

A
COLLECTION

Of the Proceedings of the
Great and General Court or Assembly

Of His MAJESTY's Province of the

Massachusetts-Bay,

IN *R*

New-England;

Containing several Instructions from the *Crown*, to the Council and Assembly of that Province, for fixing a Salary on the Governour, and their Determinations thereon.

A S A L S O,

The Methods taken by the Court for Supporting the several Governours, since the Arrival of the present *Charter*.

Printed by Order of the House of *Representatives*.



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COLLECTOR

Of the Proceedings of the

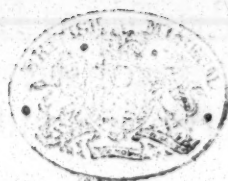
General Court of the

State of New York

1818

Vol. 1

Part 1



AS AT A

Meeting of the

General Court

of the

State of New York

1818

In the House of Representatives, April 17. 1729.

VOted, *That the Instructions which from Time to Time have been sent from the Crown to the several Governours here, and communicated to the General Court, respecting the settling a Salary on the Governours, &c. together with the Answers, Memorials or Addresses that have passed the Court or House thereon, be Printed for the more sure Guidance and Direction of his Majesty's good Subjects here, if that Affair should be brought for further Consideration before the General Court.*

And the Members for *Boston* are desired and directed to prepare the same for the Press.

A true Copy from the Minute-Book,

Examined per *John Wainwright, Cler.*

THE Seventh of October, 1691. their late Majesties King *William* and Queen *Mary* of blessed Memory, in the Third Year of their Reign, were graciously pleased to grant their Subjects the Inhabitants of this Province, a Charter of Incorporation, whereby they were put under a happy Form and Constitution of Government. On the Sixteenth of May, 1692. Sir *William Phips*, Knight, having a Commission constituting and appointing him Governour of the Province of the *Massachusetts-Bay*, then took upon him the Administration as Governour, pursuant to their Majesties Letters Patents, as aforesaid; and on the Eighth of June following, a Great and General Court was Convened, held and kept at *Boston*, for the Province aforesaid.

At a Great and General Court or Assembly held at *Boston*, March 7.^h. 1692. a Bill for ordering the Sum of Five Hundred Pounds in Money, unto his Excellency the Governour, for his Service and Expence since his Arrival, was read, voted and ordered to be Engrossed and Enacted, and was consented to by the Governour.

In the House of Representatives, *October 26. 1694.* a Bill passed for granting the Sum of *Five Hundred Pounds*, to be paid out of the Publick Treasury to Sir *William Phips*, Knight, for his great Service in the Government that present Year, Concurred by the Board, and Consented to by the Governour.

In Council, *June 19. 1695.*

Voted, in Concurrence with the House of Representatives, That there be paid out of the publick Treasury, unto the honourable *William Stoughton*, Esq; Lieutenant-Governour, the Sum of *two hundred Pounds*, for his Service in the publick Affairs of this Province, since his Excellency went to *England*, and as chief Judge to this Day. Which was consented to by the Lieutenant-Governour.

In Council, *June 17. 1696.*

Voted, in Concurrence with the Representatives, That the honourable *William Stoughton*, Esq; be allowed and paid out of the publick Treasury of this Province, the Sum of *three hundred Pounds*, for his Service the Year past, as Lieutenant-Governour of, and chief Judge in said Province, and that the same be accordingly Ordered. Consented to by the Lieutenant-Governour.

June 18. 1697. In Council, *Voted*, in Concurrence with the Representatives, That the Sum of *two hundred and fifty Pounds* be allowed and paid to the honourable *William Stoughton*, Esq; out of the publick Treasury, for his Service the last Year, as Lieutenant-Governour and Commander in Chief of this Province, and was consented to by him.

June 30. 1699. In the House of Representatives, *Resolved*, That the Sum of *three hundred Pounds* be and hereby is granted to be paid to the honourable *William Stoughton*, Esq; out of His Majesty's Treasury of this Province, for his Service the last Year, as Lieutenant-Governour, &c. of this Province; which was Concurred and Consented to by the then Governour, and sign'd,

B E L L O M O N T.

July 11th. In Council, a Bill for applying of *one thousand pounds* of the Tax granted upon Polls and Estates by this Court, to the Use of his Excellency the Earl of *Ballomont*; sent up from the Representatives, was Read a first and second Time, and pass'd to be Engrossed; which Act being presented to his Majesty in his Privy Council, was approved of and allowed by his late Majesty King *William*.

July

July 2d. 1700. In Council, a Resolve was sent up from the Representatives, in the Words following, viz.

Agreed and Resolved by the Unanimous Vote of the House, That a Present of *One Thousand Pounds* be made to His Excellency *Richard Earl of Bellomont*, His Majesty's Captain General and Governour in Chief in and over this Province, to be paid out of the Publick Treasury of the same, and that a Bill be drawn accordingly.

Which *Resolve* being Read at the Board, was Concurred with by them. July 4. A Bill granting the said Sum being drawn up, pursuant to the Resolve of the Council and Assembly, was sent up from the Representatives; Read, and passed to be Ingrossed, and his Excellency gave His Consent to and Signed the said Bill, and Ordered, that it pass the Seal of the Province: (as he also did the Bill for the other *Thousand Pounds* granted him the preceeding Year.) And this Act being presented to His Majesty, had the Royal Sanction.

In the House of Representatives, *March 14. 1700.*

Resolved, That the Sum of *Two Hundred Pounds* be Allowed and paid out of the Publick Treasury to the Honourable *William Stoughton, Esq;* Lieut. Governour and Commander in Chief of this Province, for his Service done for the Province the last Year. Sent up for Concurrence; which was Concurred at the Board, and Consented to by the Lieut. Governour.

Thursday June 11: 1702. His Excellency *Joseph Dudley Esq;* Arrived with Her Majesty's Commission to be Captain General and Governour in Chief over this Province, the General Court then sitting, on the 16th. of said Month, the Speaker and House of Representatives went up to the Council Chamber as directed; The Governour made a Speech to the Council and Assembly, and in that part wherein he applied to the House of Representatives stands the following Clause, or Paragraph. 'I am further Com-
'manded by Her Majesty to Observe to you, that there is no other Pro-
'vince or Government belonging to the Crown of *England*, except this,
'where there is not provided a fit and convenient House for the Reception
'of the Governour, and a settled stated Salary for the Governour, Lieut.
'Governour, Secretary, Judges, and all other Officers; which therefore is
'recommended to you. And since this Province is so particularly favoured
'by the Crown in more Instances than one, their more ready Obedience
'is justly expected in this and all other Occasions.

The Day following the House answered the Governour's Speech, in which is included the following Paragraph,

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‘ As for those Points which in Obedience to Her Majesty’s Commands,
 ‘ Your Excellency has laid before this House, we shall proceed with all
 ‘ convenient speed unto the Consideration of them.

In the House of Representatives *June 19. 1702.*

Resolved, That it is proper and expedient that a Present be made at this Session to His Excellency the Governour out of this Tax.

20th. Resolved, That the Sum of *five hundred Pounds* be at this time presented out of the Publick Treasury to his Excellency *Joseph Dudley, Esqr.* Her Majesty’s Captain General and Governour in Chief of this Her Province, praying his Excellency’s favourable Acceptance.

Sent up for Concurrence.

Which *Resolve* being Read at the Board on the *24th.* was Concurred; and a Bill accordingly drawn up for Applying the Sum of *five hundred Pounds* of the Moneys granted to her Majesty for the Use of His Excellency, was Read a first and second Time and passed to be Ingrossed.

And on the *27th.* the Governour gave his Consent to and Signed the same, and Ordered that it pass the Seal of the Province.

Tuesday June 25th. The House appoint a Committee to prepare and lay before the House an Answer to some of the Articles in His Excellency’s Speech, who Reported the *Thursday* following. Who among other Matters Report in the Words following. ‘ As to settling a Salary for the Governour, &c. it is altogether new to us; nor can we think it agreeable to our present Constitution, but we shall be ready to do according to our Ability, what may be proper on our part for the Support of the Government.

June 27th. The Governour directed that the Speaker and Representatives should be sent for up in the Council Chamber, and being come up accordingly, he made a Speech in the Words following :

Gentlemen,

I Have done my Duty, agreeable to my Instructions from Her Majesty, in Offering you what was necessary for you in this Conjunction. I am sorry you have made no further Progress in the Articles I laid before you at my Arrival and first meeting of you, and have all reason to think that a farther time might have better Appraised you of the Necessity and Justice of every thing I have offered you; but there being a Necessity of
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my seeing the other Province and the Frontiers, I have judged it best for the Service, that you be dismissed at this time, not doubting but you will think better, and proceed with all Chearfulness at our next Meeting, in every thing that imports Her Majesty's Service, your own Honour, and the preservation of the Province.

Gentlemen, I desire you in your Recess into the several Parts, that you will labour to dispose all Her Majesty's good Subjects to their Obedience and Duty, and to assure them of Her Majesty's Favour and Protection in all things, and you shall always find Me ready to do my Duty, and promote the true Interest of this Country upon all Occasions.

At a Great and General Court or Assembly held at Cambridge by
Prorogations the fifteenth of October, 1702.

The Governour, the Honourable Joseph Dudley, Esq; sent a Message to the Speaker and House, by the Door-keeper, that he desir'd to see the House in the Council-Chamber: He made a Speech to them purporting several Things, in part of which he deliver'd himself in the following Words:

—“ I did the last Session also by her Majesty's special Command, lay before you the necessary Provision of a House for the Government at BOSTON, and a Salary for the Governour, the Lieutenant-Governour, the Judges, and other Officers of the Government.

“ I am obliged to tell you, Gentlemen, that there is no other part nor Province belonging to the Crown of England, where there is not stated Honourable Support for the Governour and all other Publick Officers arising from the Country: And I hope we shall prevent its being Observed at home, that We are particularly priviledged, and as singular in the neglect of our Duty. I shall lay before the House a List of all Officers of Salary, and shall desire your Consideration of it in the first place; And I am sure I have no reason to doubt your regard to Her Majesty's Directions, to my own just Expectations from you, either for my self or any other Officers of the Government, amongst whom I know none that have a stated Salary, unless it be the Judges, who I understand are supported with forty Pounds per Annum, scarce enough to Maintain a Servant and Horse, while the next Province, much less than our selves, pay five hundred Pounds per Annum to the Chief Justice. I must earnestly recommend the just Consideration of this Matter to you, and desire you to think that if we hope to have a Government, we must support it, and there are very easy Ways by a proper Impost and Excise, to do it without any Burthen upon the Trade and Husbandry of the Country.

“ I

" I have done, when I have told you, *Gentlemen*, That I shall serve Her Majesty faithfully, and doubt not the same from the other Officers that therefore expect a just Support in their several Stations.

His Excellency having made an end of his Speech, at the desire of the Speaker, delivered him a Copy, and therewith a List of Officers to whom Salaries were to be appointed: Whereupon the House withdrew, and having read his Speech, and the List of Officers aforesaid, a Committee was appointed to consider of that Paragraph concerning settling of Salaries, and Report their Opinion to the House thereupon, as soon as may be.

October 23. The Committee Report thus, *It is not convenient (the Circumstances of the Province considered) to state Salaries, but to allow as the Great and General Court shall from Time to Time see necessary.* Which was Accepted, and a *Resolve* accordingly sent up for Concurrence.

November 3. Daniel Pierce, Esq; brought down the aforesaid *Resolve*, passed upon in Council as follows, *viz.* November 2d. 1702. *Read, and Resolved, That it be sent down to the House of Representatives for Re-consideration, which was Read.*

Ordered, That the House do not Re-assume the Vote aforesaid, concerning the stating of Salaries, nor proceed to a Re-consideration of the said Affair.

November 5. *Ordered,* That the Vote of the House for not stating of Salaries be Re-assumed, in order to a Re-consideration of that Matter, and a Committee appointed to re-consider that Clause in the Governour's Speech concerning stating of Salaries, and make Report as soon as may be, what they think proper to be done therein.

In the House of Representatives, November 10.

Resolved, That a certain Sum be granted to his Excellency the Governour, for his Service as Governour the present Year, beginning from the Time of his Arrival to this Province.

The Question being put, Whether the House intended the Present of *five hundred pounds*, which was made to the Governour at the last Session of this Court, to be a part or the whole of his Allowance for his Service as Governour, for the present Year? *It passed in the Affirmative.*

Resolved, That the Sum of *six hundred pounds* be allowed and paid out of the Publick Treasury to His Excellency Joseph Dudley, Esq; Captain General and Governour in Chief of this Her Majesty's Province, for his Service as Governour and for House Rent for the present Year, beginning from the Time

Time of His Excellency's Arrival, the *five hundred pounds* granted the last Session of this Court to his Excellency, being part thereof. Sent up for Concurrence.

The aforesaid *Resolve* being sent up to the Board, the Question was put there to them, Whether they desired Consideration, or were ready to speak to it presently? It passed in the Affirmative to be spoken to presently; And then another Question, Whether the Board were satisfied with the Provision offered in the *Resolve* of the Representatives, as a suitable Maintenance for His Excellency *Joseph Dudley*, Esqr. Her Majesty's Governour; and whether they did accordingly Comply with them therein? It passed in the Negative.

And *Nathaniel Thomas* and *Daniel Peirce* Esqrs. were directed to Return the said *Resolve* to the House of Representatives for their Re-consideration; And the Day following the House after Reading the aforesaid Message, Voted, That they would not Re-consider their aforesaid *Resolve*.

Then came a Message from the Governour, directing the Speaker and House to attend him in the Council Chamber; and when there, the Governour Read to the Court an Instruction to him from Her Majesty, directing him to Recommend to the General Assembly the stating of Salaries for Civil Officers, for the Re-building *Pemaquid* Fort, &c. And acquainted the Court, that he had shewn and Read to them the Instructions aforesaid for their Satisfaction, having been informed, that some of both Houses had doubted whether he had such Instructions from Her Majesty. The Day following the Question was put, *Whether the House would Re-consider their Resolve for giving Allowance to the Governour?* It passed in the Negative.

November 13. The House Resolved, That the Sum of *two hundred pounds* be allowed and paid out of the Publick Treasury to the Governour for his Service as Governour, and for House Rent for the present Year, beginning from the time of His Excellency's Arrival, over and above the *five hundred pounds* that was presented to him at the last Session of this Court, and sent it up for Concurrence. The next Day the said *Resolve* being Read at the Board, the Council express'd their Disapprobation thereof, and directed that the Secretary, *Nathaniel Byfield* and *John Higginson* Esqrs. should carry the said *Resolve* back to the House, and move their Re-consideration thereof.

Nov. 16. The Governour sent a Message for the Representatives to attend him in the Council Chamber, and acquainted them he had but Two things of Moment to communicate to them at the opening of this Assembly; The one that of Her Majesty's Command for the Building of a Fort at *Pemaquid*,
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and the other that of providing for the Support of the Government; Neither of which they had brought to any Effect: And acquainted them he had received Letters from *Whitehall*, by a Ship then arrived, and a Letter from the Right Honourable the Lords Commissioners for Trade and Plantations, containing a Direction to the Governour, in Observance of Her Majesty's express Order, to move the Council and Assembly to Erect a Fortification at *Pemaquid*, to Build a Redoubt on the next Point of Land, and a Battery upon *John's Island*. November 18th. The Council desire the Governour's Acceptance of the *two hundred Pounds* at present, (the Representatives not seeing fit to have Re-consideration of the Sum) in hopes the Assembly will have further Consideration of that Matter in another Session, and do that which is proper and Honourable for the Government.

At a Great and General Court held at *Boston*, May 26. 1703.

July 23. In the House or Representatives, *Resolved*, That the Sum of *three hundred Pounds* be allowed and paid out of the first part of the Tax granted this Session, to his Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this Her Majesty's Province, in part for his Support in the Management of the Government thereof the Year Currant.

And sent up for Concurrence.

The next Day the *aforsaid Resolve* was brought down to the House, with a Message to move the House to set forth therein for what time the Grant was made; And on the 27th. The House Ordered the Grant for *three hundred pounds* to the Governour to be sent up again without any Alteration. Whereupon the Secretary and others were sent with the said *Resolve* on a Message to the House for Explanation thereof, whether it was a Gratuity or Payment for Service, and for what time, and to move the Consideration of the House for a suitable and Honourable Allowance to be made His Excellency agreeable to his Station, as Her Majesty's Governour for the Year Currant.

The *aforsaid Resolve* sent up again with some Alteration; the Words *in part* instead of *towards*. The said *Resolve* before entered is as when it was altered. The Day following the Governour sent for the House up, and among other things reminded them of a suitable Support for the Governour, Lieut. Governour, and Justices of the Superiour Court.

The Council afterwards desire the Governour's Acceptance of the *three hundred Pounds* in part of his Salary, in hopes the Assembly in another Session will have further Consideration of that Matter, and do that which is proper and Honourable for the Government, which the Governour Consented to.

At a Great and General Court held at *Boston*, by Prorogation the first of *September*, 1703.

A Message from the Board, That the House forthwith attend the Governour in the Council Chamber, who accordingly went up, and the Governour made a Speech to both Houses; in which is contained the following Paragraph: 'I have also to communicate to you Her Majesty's most Gracious Letter, referring to the support of the Government, wherein you will see Her Majesty's just Expectation from you; and I have good Reason to hope, that while we have so many particular Favours from Her Majesty, you will do your Duty and show your Obedience in this and all other Her Royal Commands, as you tender the Protection of the Crown. 'I am well assured the Management of this Government in the distinct parts of it, does at all Times demand all possible Application, in which, by the Help of God, I shall not fail, and therefore justly expect the Support Her Majesty has Commanded.

Her Majesty's Letter of the eighth of *April*, 1703. directed to the Governour and Council, was presented by the Governour, and Read at the Board, containing Her Majesty's Commands, that it be Communicated to the General Assembly at their first Meeting next after the Receipt thereof; therein signifying Her Royal Will and Pleasure, that (in regard of the great Priviledges Her Majesty's Subjects of this Province do enjoy) they forthwith settle a constant and fixed Allowance upon the Governours, suitable to the Character and Dignity of this Government, together with a fitting Provision for the Lieut. Governour or Commander in Chief for the time being, &c. And the next Day sent down to the Representatives.

September. 7. The House Ordered a Message to the Governour, purporting that they had Read and Considered Her Majesty's Letter referring to the settling Salaries, &c. But for as much as the Members of four entire Counties, and also of several other Towns are at this time prevented attending Her Majesty's Service in this House, by reason of the troubles with the *Indians*, and otherwise, do apprehend it their Duty to defer the further Consideration thereof until a fuller House shall appear.

At a Great and General Court or Assembly held at *Boston* by Adjournment and Prorogations to the 27th. of *October*, 1703.

The Representatives according to Direction, attending the Governour at the Council Chamber, he made a Speech, in part of which he delivered himself in the following Words:

'I have to communicate to you Her Majesty's repeated Commands, which I have received by these Ships, of Her just Expectations that you do

do settle a Salary upon your Governour for his Honourable support, as you tender Her Princely Regard and Favour for you; as likewise that you do again consider and do your Duty in restoring the Fortifications at *Pemaquid*. I shall offer you no Arguments on these Heads, but that herein we shall show our selves obedient and good Subjects, as all Her Majesty's Kingdoms and Plantations do at this time, to the most Just and Gracious Prince that ever sat upon the Throne of *England*. And I am commanded to assure you, that this is the Method to obtain Her Majesty's Favour, and that it is Her Royal Grace thus to move you to do your Duty, rather than to have it in any other way. And then directed the Secretary to Read Her Majesty's Two several Letters, the one for stating a fixed Salary for the Governour and the Lieut. Governour or Commander in Chief for the time being, and the other referring to the Building of a Fort at *Pemaquid*.

November 2d. The Governour's Speech and Her Majesty's Letters Read again in the House: *Ordered*, That the said Letters be carried up by Mr. *Fewet* and Mr. *Blagrove*, and Move that the Board first proceed in acting what they think proper to be done by this Court in Answer thereto.

November 4. The following Message sent from the Governour to the House, That at the opening of this Session, he had communicated Two several Letters from her Majesty, the one relating to Salaries for the Governour and other Officers, and the other relating to *Pemaquid*, which were now lying before this House, and had in his Speech recommended the Consideration thereof, and desired that those Matters might be proceeded in, and that no Member might be dismiss until Answers were made thereto.

November 5. The House appoint Messieurs *Oakes*, *Fewet*, *Phipps*, *Blagrove*, *Sprague*, *Clark*, *Gear* and *Denison*, a Committee to prepare and offer to the House an Answer to that Paragraph respecting Salaries in the Governour's Speech; Who on the 10th. of said Month made Report to the House as follows, *viz.*

As it is the undoubted Privilege of the *English* Nation to raise any Sum or Sums of Money *when*, and to dispose of them *how* they see cause, and so hath been from *Henry* the Third, and confirmed by *Edward* the First, and ever since continued as the unquestionable Right of the Subject; so we hope and expect ever to enjoy the same under our most Gracious Queen *Anne*, and Her Successors, and therefore do account it inconsistent with Her Majesty's Interest here, and that it may prove prejudicial to Her Majesty's Subjects in this Province, to state perpetual Salaries. For the Building a
Fort

Fort at *Pemaquid*, we humbly conceive Her Majesty has received Mispresentations concerning that Affair ; At least our Apprehensions of it do not Concur with what hath been represented to Her Majesty : But were there no other Impediment than the present War, we are of Opinion that would be Argument enough for the not Erecting a Fort at *Pemaquid*.

In the House of Representatives *November 12. 1703.*

Ordered, That the Consideration of the Paragraph in His Excellency's Speech relating to the settling of Salaries, and Re-buildidg of *Pemaquid* Fort, be re-committed to the Committee that before was appointed for that end. On the 15th a Message from the Board, That the Governour desired the House to hasten their Answer to her Majesty's Letters, referring to the settling of Salaries and Re-building of *Pemaquid* Fort. The next Day the Committee Reported in Answer to the settling of Salaries, &c. which was Read and Debated, and agreeable thereto, the following Answer was sent up to the Board :

May it please your Excellency,

IT hath been the Privilege from Henry the Third, and Confirmed by Edward the First, and in all Reigns unto this Day granted, and now is allowed to be the just and unquestionable Right of the Subject, to raise when, and dispose of how they see Cause, any Sum of Money by Consent of Parliament : The which Privilege we her Majesty's Loyal and Dutiful Subjects here have lived in the Enjoyment of, and do hope always to enjoy the same under our most gracious Queen Anne, and Successors, and shall ever endeavour to discharge the Duty incumbent on us ; but humbly conceive the settling perpetual Salaries not agreeable with her Majesty's Interest in this Province, but prejudicial to her Majesty's good Subjects.

At a Session of the Great and General Court or Assembly held at *Boston*, by Prorogations the Eighth of March, 1703.

In the House of Representatives, *March 25. 1704.*

Resolved, That the Sum of two hundred pounds be allowed and paid out of the publick Treasury to his Excellency *Joseph Dudley*, Esq; Captain General and Commander in Chief of this her Majesty's Province, for and towards his Support in the Government, and sent up for Concurrence. After some time the Resolve was sent down from the Board, with a Motion, That the Sum might be enlarged.

And the Question being put, *Whether the House would re-assume the said Vote ?* It passed in the Negative. And in the Afternoon another Message from the Board, moving, That the aforesaid Allowance might be enlarged. Upon which the Question was put, *Whether the House would make any Addition*

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tion to the aforesaid Grant? It passed in the Negative. And the aforesaid Resolve for granting two hundred pounds for and towards the Governour's Support in the Government, was concurred by the Council, and consented to by Governour Dudley.

At a Great and General Court or Assembly held at
Boston, May 31. 1704.

In the House of Representatives, June 16. 1704.

Resolved, That the Sum of three hundred pounds be allowed and paid out of the publick Treasury to his Excellency Joseph Dudley, Esq; Captain General and Governour in Chief of this her Majesty's Province, for and towards his Support in the Government; which on the following Day was concurr'd at the Board, and consented to by the Governour.

At a Session of the Great and General Court held by Prorogation
December 27. 1704.

Governour Dudley at the opening thereof, made a Speech to the Council and Assembly; in which he expresses himself in the manner following.

—Their Lordships are pleased farther to acquaint Me, that the delay of Her Majesty's sending into this Province Stores of War, as I have desired, is the want of particular Accounts and Plans of the several Fortifications, which they have directed Me to send in, which I have not been wanting, but they having been Twice unhappily lost going home.

Their Lordships (by whom are meant the Lords Commissioners of Trade and Plantations) are pleased to add in this Article, that they would know how Her Majesty shall be reimbursed, because, as their Lordships Words are, it is unreasonable the Assembly of the Massachusetts-Bay should expect that they should be furnished with Stores of War at Her Majesty's Expence, while they of all the Colonies in America, do alone refuse to settle a Salary upon Her Majesty's Governour, and other Officers there.

Gentlemen of the Representatives,

I am Commanded by their Lordships thus to lay these things before you, and am sorry for the Occasion thereof, and heartily Wish that for the future you will in every thing Advise with Her Majesty's Governour and Council, and that we may proceed with all Freedom and Friendship.

At a Session held by Prorogations 21st. of February. 1704.

The Governour at opening the Court, delivered himself in part of his Speech to the Court, thus; 'I am very sensible this Government has neglected

lected some things which Her Majesty has been pleased to Command since my being in this Station, which I am humbly of Opinion has interrupted the Course of Her Majesty's most Gracious Supplies necessary for this Province: However, if we shall now look forward and do our Duty, there shall be nothing wanting on my part to represent the state of your Affairs to your best Advantage in all things.

In the House of Representatives *February 28. 1704.*

Resolved, That the Sum of *two hundred pounds* be allowed and paid out of the Publick Treasury to His Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this Her Majesty's Province, for his support in managing the Affairs of this Government. Sent up for Concurrence. And on the second of *March* following, the Resolve was concurred by the Board, and consented to by the Governour.

In the House of Representatives *June 30. 1705.*

Resolved, That the Sum of *three hundred pounds* be allowed and paid out of the Publick Treasury to His Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this Her Majesty's Province, for his support in managing the Affairs of the Government: which the Council concurred the same day, and the Governour gave his consent thereto.

At a Session of the General Court by Prorogation at *Boston*,
September 5. 1705.

The Honourable *Joseph Dudley*, Esq; then Governour, directing the House of Representatives to attend him in the Council Chamber, made a Speech to the Court; in which are the following Passages.

Gentlemen, When I parted from you last, I had no intention to have seen you upon this Prorogation, but to have left the ordinary Affairs of the Government to the usual time of your sitting nearer the Winter; but upon the Receipt of Her Majesty's Gracious Letter, which I have now to lay before you, I judge the present Session absolutely necessary, that you may not want an Opportunity early to shew your Obedience, and I may have the Satisfaction to represent it. Her Majesty's Commands contained in these Letters are not new, but such as I brought with me at my Arrival, and have since been renewed by Her Majesty's most Gracious Letters at all times. The Articles are, the Re-building *Pemaquid*, the Assistance of the Fortifications at *Piscataqua River*, and the settling of Salaries for the support of Her Majesty's Governour and Lieut. Governour.

Gentlemen

Gentlemen of the Representatives,

Your Journal will acquaint the Proceedings of the House, as well as of the Council, in the Affair of *Pemaquid*, That the Committee of the Assembly of both Houses, upon View of the Ruines when they attended me thither three Years since, represented the Benefit of restoring that important Place, and the Council from time to time accepted that Return; so that our neglect of her Majesty's Commands in that Article, resteth at your Door.

In the other Article of the establishing of Salaries for the Governour and Lieutenant-Governour, it has been frequently laid before you, and Messages and Votes of the Council sent you to make better Provision for the Government than has been done: But that which her Majesty insists upon in this Matter is, an Establishment of a Salary upon those Officers, that her Servants may know what to depend upon for their just Support and Encouragement in her Service.

Her Majesty has graciously commanded me to represent to the Assembly, their great neglect of their Duty to her Majesty, and their own Security, in this Occasion; and that you do forthwith apply your selves to the Re-building the Fort at *Pemaquid*, and contribute towards the Charge of the Fort at *Piscataqua*, and to the settling of Salaries upon her Majesty's Governour and Lieutenant-Governour; and that the neglect of these Commands, will shew this Assembly undeserving of her Majesty's Royal Favour and Bounty towards them.

Gentlemen, You will allow me to tell you, that after all the Royal Favours and Protections we have had from her Majesty during her prosperous Reign, these are the only Commands that have been given us; and our Neglect and Disobedience will be very much aggravated, and attended with very evil Consequences.

I very well know that it will be easily objected, That this Province is at great Charge in the present War with the *French* and *Indians*: But I must as well remember you, that these Commands were given us in Peace, before the Troubles began, when there was no such Objection to be offered. And our just Obedience to her Majesty, is the nearest Method that I know of to procure the Favour of Almighty God to restore us Peace, and put us into a Capacity to obey her Majesty's Commands in greater Things than these.

Gentlemen, That you may with all freedom apply your selves to give her Majesty Satisfaction in her Royal Commands, I do desire and direct, that you proceed forthwith to the Consideration of her Majesty's most gracious Letter now given you, and I shall meet the Assembly in another Session in the usual Season about a Month hence, when the Occasions of the Province will better allow it, to which all Affairs depending shall be referred.

In

In the House of Representatives, September 6th. 1705.

His Excellency's Speech, and her Majesty's Letter read and debated.

Ordered, That the following Message be sent up to the Board, in Answer to His Excellency's Speech at the opening of this Court, viz.

That referring to Her Majesty's Commands for Re-building of *Pemaquid* Fort; this Court at their Session in *February* last, made their humble Address to Her Majesty, which was since the Date of Her last Letter; And we hope when it arrives to Her Majesty's sight, will be graciously accepted. And as to the other Two Articles of contributing to the Charge of *Piscataqua* Fort, and settling of Salaries, they are Matters of so great Consequence, that we desire they may be debated and answered by a full House, which at present there is not, the Members of three Counties being absent, it not being the usual time of meeting, and the Affairs of the Husbandry are yet so pressing, that we cannot continue sitting so long (without great inconvenience) at this time, as is necessary to prepare an Answer and Address proper to be laid before Her Majesty: Therefore propose, that the further consideration of the Premises may be referred to the next Session of this Court.

In Council, Upon the Message received Yesterday from the Representatives, His Excellency sent a Message to the House by the Secretary, for a List of their present Members, which being brought up, it appeared thereby their Number was fifty six. Whereupon His Excellency sent the Secretary again with a written Message to the House in these Words, viz.

The Governour has Commanded me to acquaint you, that he cannot rest satisfied with the Vote sent up Yesterday for a farther delay of the Answer to Her Majesty's Commands now under consideration, but desires that the House of Representatives will proceed to the several Articles of Her Majesty's Gracious Letter; And if any Members of the House be wanting, they may be sent for to give their Attendance on *Tuesday* at furthest, that the Resolves of the Assembly may be sent home by Her Majesty's Ship the *Guernsey*, now in this Port.

The House of Representatives insisted upon their Vote sent up Yesterday, for deferring their Answer to the Governour's Speech till another Session, and sent several of their Members with said Message, and assign the Reasons expressed by the House for the same. Who attended the Order of the House, and returned, That His Excellency was still of the Opinion that it was best for the Court to sit until they had made Answer to Her Majesty's Letter. Upon which the House appointed Nine of their Members and the Clerk, a Committee to consider of Her Majesty's Letter and the

the Governour's Speech, and propose to the House what Answer they think is proper to be given to the several Articles contained therein.

Saturday, Sept. 8th. the Committee Reported in Answer to His Excellency's Speech, which was read and debated. *Monday 10th.* The aforesaid Report read again, and farther debate had thereon. *Tuesday 11th. September,* the Report read again, and with Amendments accepted by the House, and Ordered to be sent up to the Board by Capt. *Savage*, Major *Bradford*, and Mr. *Walker*, and was as follows, *viz.*

In Answer to those Articles of your Excellency's Speech at the opening of this Session, referring to Her Majesty's Directions for the Building of a Fort at *Pemaquid*, contributing to the Charge of the Fort at *Piscataqua*, and settling of Salaries, we crave leave to offer, — and are very large and particular on the two first Articles, and to the third, as to the settling of fixed Salaries, thus, the Circumstances of this Province, as to our Ability to support the Government, are at times so different, that we fear the settling of fixed Salaries will be of no service to Her Majesty's Interest, but may prove prejudicial to Her Majesty's good Subjects here. And as it is the Native Right and Privilege of *English* Subjects, by Consent of Parliament, from time to time to raise and dispose such Sums of Money as the present exigence of Affairs calls for, which Privilege we her Majesty's Loyal and Dutiful Subjects have hitherto lived in the enjoyment of; so we hope and pray always to enjoy the same under our most Gracious Sovereign and her Successors. — Upon the foregoing heads we purpose to Address her Majesty, with our humble Thanks for her Royal Bounty, wherein we hope the Council will joyn with us, and that your Excellency's favourable Influences will not be wanting thereto.

In Council, *September 12.* The Answer of the Representatives read Yesterday was again read, and after some debate thereabout, a previous Question was put, *Whether the Council desired any longer Debate?* Which being answered *Not.*

The following Questions were drawn up, and severally put to the Vote, *viz. Question,* Whether the Council do advise the Building a Fort at *Pemaquid*? Answer. In the *Negative.*

Quest. Whether the Council do advise that this Government do contribute towards the Charge of the Fort at *Piscataqua* River, in the Province of *New-Hampshire*? Answer, In the *Negative.*

Quest. Whether the Council do advise the settling of a fixed Salary for the Governour and Lieut. Governour for the time being? Answer, in the *Negative.*

Ordered,

Ordered, That *John Hathorne, John Walley and John Higginson, Esqrs.* of the Council, be a Committee to joyn with such as shall be appointed by the Representatives, to prepare an humble Address to her Majesty, with the humble Thanks of this Court for her Majesty's Royal Bounty in the Cannon and Stores ordered for Her Castle within this Province; As also humbly to Address her Majesty upon the Articles recommended to the consideration of this Court in his Excellency's Speech, according to the Direction in her Majesty's Royal Letter of the 25th. of *January* past, and that the said Committee sit forthwith, and make Report to this Court.

Which Order being sent down to the Representatives for their Concurrence, was agreed to, and Ordered, That *Mr. Speaker, Mr. Jewett, Capt. Savage and Mr. Blagrove,* be a Committee of the House, to joyn with the Committee of the Board in the Affair aforesaid.

In Council, *September 14.*

John Hathorne, Esq; Chairman of the Committee for an Address to her Majesty, Reported the Draught offered by the Committees, which was Read Two several times and laid upon the Board. His Excellency the Governour and the Lieutenant-Governour withdrawing, the Council went upon the Debate thereof, and proposed several Amendments and Alterations to be made therein, and sent them down with the said Amendments to the Representatives.

The Draught of an Address to her Majesty Reported by the Committee, with the Alterations and Amendments proposed Yesterday by the Council, were sent up from the Representatives, with the Agreement of that House to some of them, and to others not, and some Alterations made by themselves, which being Read, the Council directed a Draught to be made accordingly, and returned to the House; which was Read in the House, and passed to be Engrossed, and

Ordered, That the *Speaker* Sign it in the Absence of the Court, with Duplicates, and sent it up; and the Council agreed thereto, and Voted, That it be fairly Engrossed, and that the Engrossment, with a Duplicate thereof, be Signed by the *Secretary* in their Name, and by their Order.

And at Noon, the Governour sending for the *Speaker* and House, signified his pleasure, that the Court should be prorogued to *Wednesday* the 24th. of *October* then next, at Nine in the Morning, and ordered the *Secretary* to Publish the same, which he did accordingly.

Address

Address of the Council and Representatives to Her Majesty.

To the Queen's Most Excellent Majesty.

The Humble Address of the Council and Representatives of Your Majesty's Province of the *Massachusetts-Bay* in *New-England*, in General Court assembled.

May it please Your Majesty,

HIS Excellency your Majesty's Captain General and Governour of this your Majesty's Province, having communicated to us your Majesty's Royal Letter of the 25th. of *January*, 1704-5. in which your Majesty is graciously pleased to signify, That your Majesty of your Royal Bounty, has thought fit to give Directions that *Twenty Cannon*, with their Appurtenances, be sent to us for the Use of your Majesty's Fortifications on *Castle-Island*. We your Majesty's Loyal and Dutiful Subjects, do with all Humility Address your Sacred Majesty with our hearty and sincere Thanks for your Majesty's Royal Bounty therein, and for the good Assistance your Majesty has been pleased to afford us, in sending the *Deptford* Frigate in our time of Need, when our Coast has been infested with *French Privateers*. And we crave leave in all humble and dutiful manner to offer to your Sacred Majesty, the following Reasons why we cannot answer your Majesty's Expectation of building a Fort at *Pemaquid*, the contributing towards the Charge of the Fort at *Piscataqua*, and the settling fixed Salaries for the Governour and Lieutenant-Governour.

As to the building of a Fort at *Pemaquid*,

The Expence already made on our Fortresses, Garisons, Marches and Guards by Sea, amounting to more than *Eighty Thousand Pounds*, a great part whereof is in Arrear and unpaid; beside the daily growing Charge for our necessary Defence, and the prosecution of the War, is become almost insupportable, and has brought us under
very

very distressing Circumstances; and were the building of a Fort at *Pemaquid* super-added thereto, it would render the Charge far beyond our Ability; and we humbly conceive would be no Security to our Frontiers, or Bridle to the *Indians*; the Situation thereof being so much out of their ordinary Road, and upwards of *one hundred Miles* distant from any part of this Province at present inhabited by the *English*, and of little or no Advantage to this Province; altho' the Expence in building and supporting the late Fort at *Pemaquid*, cost not less than *twenty thousand pounds*; which was not lost by any neglect of the Government, it being fully supplied for the defence and support thereof, but by the Cowardise or Treachery of the then Commanding Officer upon the place, who received his Tryal, but was acquitted.

The small Fortification which was built at *Casco-Bay*, only for a Cover for a Trading-House in a time of Peace, is since the War made a considerable Fort, and is likely to be as great a Charge to support the same as that of *Pemaquid*; And for our present Security and future Settlement of the Plantations within this Province, will be of greater Advantage.

As to the Contributing towards the Charge of *Piscataqua* Fort :

The Fort in that Province was built many Years past, when it was neither desired nor thought necessary that this Province should assist therein; and the Navigation and Trade of this Province coming down *Piscataqua* River, have been and are charged with a considerable Duty towards their Support, and this Province has offered such Guards as were needful for their Haling of *Masts, Timber, &c.* for your Majesty's Service, whilst the principal Benefit and Advantage of that Trade has accrued to that Province; and they have never contributed any thing to the Charge of our Forces, Forts, Garrisons or Guards by Sea, that are as great a Safety and Defence to them as to our selves; and the publick Charge of that Government has been much less in proportion, than the Charge of this.

As to the settling of fixed Salaries:

Whereas it is the native Right and Privilege of *English* Subjects, by Consent of Parliament, from time to time to raise and dispose
such

such Sum and Sums of Money as the present Exigency of Affairs calls for : The which Privilege we your Majesty' Loyal and Dutiful Subjects humbly crave leave to plead our Right unto, not only as Subjects of the Crown of *England*, but also as privileged by the Royal Charter, granted to this Province by their late Majesties King *William* and Queen *Mary*, of blessed Memory ; which we have hitherto happily enjoyed under your Sacred Majesty : And we humbly hope and pray will be continued to us and our Posterity. And as hitherto we have not been wanting in our Loyalty toward your Majesty, and Support to our Governours ; so we hope for the future always to be found in the discharge of incumbent Duties.

May what we have herein humbly offered, be favourably interpreted and accepted by the parental Indulgence of your most gracious Majesty ; and may the same propitious Providence which hath hitherto preserved your Majesty's Sacred Person, still defend and prolong your happy Reign, and prosper your auspicious Arms in the just War wherein your Majesty is engaged ;

Is, and shall be the constant and fervent Prayers of,

M A D A M,

Your Majesty's

Boston, 15 Sept.

1705.

Loyal and Dutiful Subjects and Suppliants,

In the Name and by Order
of the Representatives,

In the Name and by Order
of the Council,

Signed,

Thomas Oakes, Speaker.

Isaac Addington, Secretary.

In the House of Representatives, *December 5. 1705.*

Resolved, That the Sum of *two hundred pounds* be allowed and paid out of the publick Treasury to his Excellency *Joseph Dudley, Esq;* Captain General and Governour in Chief of this Her Majesty's Province, for his support in managing the Affairs of the Government, and sent up for Concurrence.

Upon

Upon reading of which at the Board, *James Ruffel* Esq; and others were ordered by the Council to move the House to a farther consideration thereof, and to Augment the Sum. And the said Message being considered and debated in the House, The Question was put, *Whether the House would then Augment the Grant to His Excellency?* And it passed in the *Negative*: Which being returned to the Board, it was there concurred, and consented to by the Governour.

In the House of Representatives, *July 12. 1706.*

Resolved, That the Sum of *three hundred pounds* be allowed and paid out of the publick Treasury to his Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this her Majesty's Province, for his Support in managing the Affairs of the Government; which was sent up for Concurrence. The next Day a Message came down to move the House to increase the Salary for the Governour and the Judges of the Superiour Court. Upon which the following Question was put, *Whether any Addition be made to the Allowances of the Judges?*

It passed in the *Negative*. The same Day the aforesaid Grant being Returned, the Council Concurred it, and the Governour gave his Consent thereto.

In the House of Representatives *December 4. 1706.*

Resolved, That the Sum of *two hundred pounds* be allowed and paid out of the publick Treasury to his Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this her Majesty's Province, for his Support in managing the Affairs of the Government: which being sent up for Concurrence, the Board concurred, and the Governour consented.

In the House of Representatives, *June 12. 1707.*

Resolved, That the Sum of *three hundred Pounds* be allowed and paid out of the Publick Treasury to his Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this her Majesty's Province, for his support in managing the Publick Affairs of the Government; And sent up for Concurrence. The next Day came a Message from the Board, with the Resolves for Allowances to the Governour and Judges of the Superiour Court to have them Re-considered, and an Addition made to them. Whereupon the Question was put, *Whether the House would Re-consider the Resolve for giving Allowance to the Judges?* It passed in the *Negative*, and the said Resolve with that granting Allowance to the Governour, sent up again without Alteration, and then concurred by the Board, and consented to by the Governour.

In the House of Representatives, December 5. 1707.

Resolved, That the Sum of *two hundred pounds* be allowed and paid out of the Publick Treasury to His Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this Province, for his support in managing the Affairs of the Government. Which was sent up to the Board for Concurrence, and accordingly recieved the same, and the Governour gave his consent thereto.

July 3. 1708. In the House of Representatives.

Resolved, That the Sum of *two hundred pounds* be allowed and paid out of the Publick Treasury to His Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this Her Majesty's Province, for his support in managing the Publick Affairs of the Government.

A Message from the Board, to Augment the Allowance to the Governour, for Reasons then given by them, and left the Resolve for that end. Upon which the Question was put, *Whether the House would add any more to the said Resolve?* Passed in the Negative.

Tuesday, July 6. Upon the Question being put, Whether the House would Re-consider the Resolve granting Allowance to his Excellency? It passed in the Negative; And then the Speaker directed the said Resolve for an Allowance to his Excellency to be carry'd up, which the Board concurred, and the Governour gave his consent to.

November 2d. 1708. In the House of Representatives.

Resolved, That the Sum of *three hundred pounds* be allowed and paid out of the publick Treasury to his Excellency *Joseph Dudley*, Esq; Captain General and Governour in Chief of this Her Majesty's Province, for his support in managing the Affairs of the Government. Which the Board concurred, and the Governour consented to.

June 18. 1709.

— In the House of Representatives, a Resolve passed for *two hundred and fifty pounds* to be paid out of the publick Treasury to the Governour for his support in managing the Affairs of this Government; which the Council concurred, and the Governour gave his consent to.

November 18. 1709. *Two hundred and fifty Pounds* granted to the Governour by the Representatives, and concurred by the Council for his support in managing the Affairs of the Government, and accepted by him.

In the House of Representatives, *June 29. 1710.* A Resolve passed and sent to the Board for Concurrence, granting *two hundred and fifty pounds* to Governour *Dudley* for his support in managing the Affairs of the Government, concurred and consented to by the Governour.

On the Eleventh of *November* following, the like Sum of *two hundred and fifty pounds* was granted by the General Court to the Governour for his support in managing the publick Affairs.

June 14. 1711. *Two hundred and fifty pounds* allowed the Governour by the General Court for his support in managing the Affairs of the Government.

On the Tenth of *November, 1711.* the like Sum granted the Governour, for the aforesaid Ends and Uses.

June 14. 1712. The Sum of *two hundred and fifty pounds* allowed the Governour for his support in managing the Affairs of the Government.

The Eighth of *November* following *two hundred and fifty pounds* granted to the Governour, as before mentioned.

June 17. 1713. The Representatives sent up a Grant of *two hundred and fifty pounds* for the Governour for his support in manner as heretofore accustomed, which was concurred, and consented to by the Governour.

November 6. 1713. The House of Representatives send up to the Council a Resolve granting *two hundred and fifty pounds* in manner as aforesaid to the Governour, which was concurred, and consented to.

June 18. 1714. *Two hundred and fifty pounds* granted the Governour *ut supra*, and on the fifth of *November* following the like Sum granted the Governour as aforesaid.

August 27. 1715. A Grant of *two hundred and fifty pounds* to the Governour to be paid him out of the publick Treasury for his support, &c.

December 18. 1715. The Representatives passed a Resolve for *two hundred pounds* to be paid to the Honourable *William Tailer, Esq;* Lieut. Governour and Commander in Chief of this His Majesty's Province for his support in managing the Affairs of the Government.

June 27. 1716. A Resolve passed the Court granting the Sum of *two hundred and fifty pounds* to Lieut Governour *Tailer*, for his support in managing the Affairs of the Government.

At a Great and General Court held by Prorogations the seventh of November, 1716. at *Boston*. The Honourable *Samuel Shute*, Esq; Governour.

The Governour directed the Speaker and House to attend him in the Council Chamber, which they did : And he made a Speech to the Council and Assembly, in part of which he delivers himself thus,

Gentlemen,

' His Majesty has commanded me to acquaint you, that there is no Province in *America* under the Crown of *Great Britain*, except this, where stated Salaries are not settled upon their Captain General and Governour, and Lieut. Governour.

' I was also to Recommend to you the Building of a House for the Governour ; but I am prevented from it, by your having provided a *very good* One, for which I return you my *Thanks*.

' As also the Re-fitting the Fort at *Pemaquid*, or the Building some Fort near that place, that may be a greater security to your Frontiers.

Gentlemen,

' You have always been so conspicuous for your Loyalty, that I make no doubt of your ready Compliance in these matters.

Gentlemen of the House of Representatives.

' I shall depend on your Care to make the necessary Supplies for the support and defence of the Province, in all Articles.

And at the close of the Session a Resolve passed the House of Representatives for *five hundred pounds* to be paid the Governour, for his support in managing the Affairs of the Government, which the Board concurred, and Governour *Shute* consented to.

At a Session of the General Court held at *Boston*, April 10. 1717.

The Governour at the opening the Session made a Speech, in which are the Words following :

' Gentlemen, At our last Meeting I was assured by the Votes of the lower House that my Speech should be answered Paragraph by Paragraph, which having not been as yet comply'd with, I was willing to give you another Opportunity, that so I might send the Minutes of the last Sessions to *Great Britain* compleat ; which I am sure will be very much for the Service of the Country.

The

The next Day the House Ordered that a Message should be sent up to his Excellency the Governour,

That upon a further Consideration of His Excellency's Speech to the Court at the beginning of the last Sessions, the House are humbly of Opinion, that considering the low Circumstances of this Province, and the heavy Debts that are upon it, that His Majesty's Subjects here are not able to come into so great a Charge as the Re-building the Fort at *Pemaquid* would be ; and that in case of a Rapture a Fortification there would be no great security to the Lives and Estates of His Majesty's Subjects here, as our past Experience has abundantly convinced us ; by reason that *Pemaquid* is at so great a distance from our *English* Settlements : But that at all times what shall be necessary for the defence and preservation of the Government here, we as good and loyal Subjects, shall readily and chearfully comply with.

That considering our Constitution, it will not be for His Majesty's Service, nor for the Good and Advantage of His Subjects here, to have fixed and stated Salaries ; but that we shall very readily do, according to our Ability, what shall be proper and necessary for the support of His Majesty's Government over us.

The Day following the House came into a *Vote* :

In as much as His Excellency the Governour did at the first opening of the last Sessions declare, *that he came with the utmost Resolution to study the true Interest of this Province*, and hath now by his reiterated Promise given us firm Assurance, *that he will use his best Endeavours to Watch against any thing that may be hurtful to us* : Which Promises and Assurances are very grateful and acceptable to this House. In Consideration whereof,

Ordered, That the Sum of *three hundred pounds* be presented and paid out of the publick Treasury to His Excellency the Governour. Which was concurred by the Board, and consented to by Governour *Shute*.

At the close of the Sessions, the Governour sending for the House to the Council Chamber, his Excellency spake to the Court after this manner :

Gentlemen,

' I am glad my Assurances and Promises to do my utmost to serve this Province have been acceptable ; and I do again repeat them.

' I thank you for what was done towards my support in the last Sessions, and for the Present you have now made me, which will help in defraying the Charge of my Transportation.

Governour

Governour *Shute* in his Speech to the Court *May 30. 1717.* Applying himself more immediately to the House, says,

Gentlemen of the House of Representatives,

‘ The support of the Government in all the Branches of it, being a matter that more particularly belongs to and of right begins with you, I must Recommend that in an especial manner to your Thought and Care, not doubting but that you will always make the proper and necessary Provision, and do it with so much Honour and Justice as that there may be no reason to complain.

And on the 21st of *June* following, the House passed a Resolve for the Sum of *five hundred pounds* to be paid out of the publick Treasury to his Excellency the Governour, for his support in managing the Affairs of the Government; which the Council concurred, and the Governour signed his consent to it.

The Day following being the close of that Sessions the Governour directed the House to the Council Chamber, and being come up His Excellency was pleased to speak to the Court as follows, *viz.*

Gentlemen,

‘ I return you *Thanks* for what you have done for me; tho’ I must take leave to inform you, that the Expence I am at, even with decency to support my Character, is greater than you may possibly imagine.

November 19. 1717. The further Sum of *five hundred pounds* was granted Governour *Shute* for his support in managing the Affairs of the Government.

In the House of Representatives *February 14. 1717.*

Resolved, That the Sum of *Two hundred Pounds* be further allowed and paid out of the publick Treasury to his Excellency *Samuel Shute Esq;* Captain General and Governour in Chief of this His Majesty’s Province, for his support in managing the Affairs of the Government, in consideration of the extraordinary dearness of all Necessaries for House-keeping. In Council, read and concurred, and consented to by the Governour.

The Session ending that Day, Governour *Shute* required the immediate Attendance of the House in the Council Chamber; the Speaker and House went up, his Excellency spake to both Houses in the following Words:

Gentlemen,

I return you my *Hearty Thanks* for what you gave me the last Sessions; and for the Addition you have now made me: You shall always find that
your

your supporting me with Dignity in the Station the King, has placed me, will constantly engage me to serve you faithfully, and to pursue both here and at home, all proper Methods that may render this a happy and flourishing Province. The Sessions being ended, I believe you will be glad to go home.

At a Session of the General Court in May 1718. the Sum of *six hundred pounds* was granted Governour Shute, for his Support in managing the Affairs of the Government.

In the House of Representatives, December 3. 1718.

Resolved, That the Sum of *six hundred pounds* be allowed and paid out of the publick Treasury to his Excellency Samuel Shute, Esq; Captain General and Governour in Chief of this his Majesty's Province, for his Support in managing the Affairs of the Government.

In Council, Read and Concurred. Consented to, Samuel Shute.

May Sessions, 1719.

On the thirtieth of June following, the last Day of the Sessions, the Sum of *six hundred pounds* was allowed Governour Shute for his Support; and at parting with the Court he sent for the House, and was pleased to say,

Gentlemen,

I return you Thanks for the Care you have taken of my Support, and am well pleased that the many Debates that have hapned this Session, are at last brought to a happy Conclusion.

I have nothing further to add, but to wish you well to your respective homes.

In the November Session a further Sum of *six hundred pounds* was allowed Governour Shute for his Support.

Saturday, July 23d. 1720. In the House of Representatives.

Resolved, That the Sum of *five hundred pounds* be allowed and paid out of the publick Treasury to his Excellency Samuel Shute, Esq; Captain General and Governour in Chief of this his Majesty's Province, for his Support in managing the Affairs of the Government. In Council, Read and Concurred, and consented to by the Governour.

At a Session of the Great and General Court or Assembly held at Boston, by Prorogations November 2d. 1720.

His Excellency Governour Shute makes a Speech to the Court, in which is the following Paragraph:

Gentlemen,

I shall add one thing more, that I hope the present Happiness and Tranquillity of your Province, will put you in mind of cheerfully supporting the mildest and most

most easy Government under the best and most gracious Prince: It's what his Majesty most justly expects from a Country that enjoys such singular Privileges and Immunities, by which it is become one of the most extensive and flourishing of all his Majesty's Plantations in America.

In the House of Representatives, December 15. 1720.

Resolved, That the Sum of *five hundred pounds* be allowed and paid out of the publick Treasury to his Excellency Samuel Shute, Esq; Captain General and Governour in Chief of this his Majesty's Province, for his Support in managing the Affairs of the Government.

The next Day came down a Message from the Board by William Tailer, Esq; and six others of the Council, That it was the unanimous desire of the Board, considering the great Charge his Excellency the Governour had been at the Year past, that the Allowance to his Excellency this Year, might not be less than it had been for three Years past.

The Question was put, *Whether any Addition should be made to the Allowance to his Excellency?* It passed in the Negative.

The Day following a Message from the Board by Mr. Secretary, that the Governour expects the House forthwith to attend him in the Council Chamber. The House went up accordingly, and the Governour made a Speech to the House, as follows,

Gentlemen,

' The General Assembly of this Province allowed me for the first three
' Years of my Government, the Sum of *Twelve hundred Pounds* per Annum,
' and the value of the Bills of Credit have been very much sunk since that
' time: I had therefore the greatest Reason to expect that I should not have
' my Salary lessened, or had any Occasion to complain of the support you
' have this Year given me; but I find my self Obliged to lay before you
' His Majesty's Instructions, which the Secretary will Read, and afterwards
' deliver to you. This Instruction I have once and again hinted to you
' in part, but now give you the whole, that so you may consider how far
' you have complied with this His Majesty's Direction: Therefore I hope
' you will give me no Reason to complain to the King my Master, which
' I must do, unless I am supported as becomes the Honour and Service of
' this Government.

' *Gentlemen*, I expect your Answer.

The Copy of the Instruction from His Majesty, which Mr. Secretary Read and gave to Mr. Speaker, is as follows, *viz.*

Province

Province of the
Massachusetts-Bay.

WHereas it is necessary that due Provision be made for the Support of the Government of his Majesty's said Province, by setting apart sufficient Allowances to you his Caprain General and Governour in Chief for the Time being, Residing within the same: And whereas his said Province of the *Massachusetts-Bay* has not hitherto taken any manner of Care in that Matter, tho' the like Provision be generally made in his Majesty's other Plantations in *America*, which are under his immediate Government; notwithstanding that divers of them are much less able to do it. You are therefore to propose to the General Assembly of his Majesty's said Province, and accordingly to use your utmost Endeavours with them, that an Act be past for settling and establishing fixed Salaries upon your self, and others his Majesty's Captains General that may succeed you in that Government; as likewise upon his Lieutenant-Governour or Commanders in Chief for the Time being, suitable to the Dignity of those respective Offices.

A true Copy of the 19th. Instruction from His Majesty King George, to His Excellency *Samuel Shute*, Esq;

Attest. *John Boydell.*

In the House of Representatives.

Ordered, That a Message be sent up in Answer to his Excellency the Governour's Speech to the House this Day, That this House humbly esteem that what has been granted to his Excellency the Governour this Year, is an Honourable Allowance; And that the Affair of settling Salaries is a matter of great weight and wholly new to this House, and many of the Members thereof being dismiss and gone home, they think it not proper to enter upon an Affair of that Consequence after the Session has been so long.

December 17. The aforesaid Resolve past the fifteenth in the House, concurred in Council, and consented to by Governour *Shute*.

At a Session of the Great and General Court or Assembly held at

Boston by Prorogation, *March 15. 1720.*

Governour *Shute* made a Speech to the Court; and applied himself to the House in some part thereof, thus,

Gentlemen

Gentlemen of the House of Representatives,

‘ I received a Message from your House the last Sessions, relating to my support, wherein you acquainted me, you thought a *Thousand Pounds* a Year in Province Bills, was a sufficient Allowance. I must take the Liberty to say, that it cannot be the King my Master’s Sentiments, since if you will make Enquiry, you will find there is no Government appointed by his Majesty in the *British Colonies in America*, that is so poorly supported as my self, tho’ most of them are less in extent, not so long settled, and less capable of defraying the Expence. I likewise sent down to you his Majesty’s Instruction, with respect to a settled Salary: You excused your selves from debating upon it at that time, because the Sessions had been long, and many Members gone home; but you have now another Opportunity. I hope you will come to as speedy a Resolution as possible in the Affairs that I have recommended to you, that so you may not be too long detained from your own private Affairs, at this Season of the Year.

March 20. The House made Answer to the Governour’s Speech, wherein stands the following Paragraph or Sentence.

May it please your Excellency,

‘ The Vote of this House at their last Sessions, touching your support, wherein they declared, *that what had been granted your Excellency for this present Year, was an Honourable Allowance*, was Resolved after a free and full debate, and carried by a very great Majority of the Members of the House; And we were then in hopes would have been to your Excellency’s Satisfaction and Content, especially considering it was determined after the House was sent for to the Council Chamber, and your Excellency had so plainly let them know your Mind on that score. And we must beg leave to acquaint your Excellency, that we account it an Honour and Duty for those that are Governed, chearfully to afford their *Governours* a Sufficiency Honourably to support the Dignity and Station they stand in: And under these Views, as we then did, so we still apprehend the Allowances of this Year to your Excellency is as much as the Honour and Service of this Government call for. And we take leave further to add, that we firmly believe, that this is not only the Opinion of the Representatives now assembled, but the Mind of the Inhabitants of the several Towns we now Represent, and therefore ought to be of Direction to us in this Affair.

‘ Altho’ this Government have not appointed settled Salaries for the Governour, Lieut. Governour or Commander in Chief for the time being, yet in as much as they have always made Provision suitable to the Dignity of those respective Offices; And what has been so taken and accepted heretofore by the several Governours or Commanders in Chief ever since
‘ our

'our present Constitution; We would therefore in all humble wise suppose,
'that as long as we continue so doing, His Most Gracious Majesty will Re-
'ceive us into the Number of his most Loyal and Dutiful Subjects.

At the opening of the Great and General Court held at *Cambridge* by Ad-
journment, *June 6th. 1721.* the Governour made the following Speech to
the Court.

Gentlemen,

'Having very lately received an Additional Instruction from His Ma-
'jesty, relating to the Emitting of Bills of Credit, I shall communicate it
'to you, as being a matter of great Concern, both to the Government
'and Trade of the Country.

'And since it has pleased Almighty God in his *holy Providence* so to order
'it, that the Sessions of the General Assembly is held at *Cambridge* and not
'at *Boston*, as it used to be, I hope you will the sooner go through the ne-
'cessary Affairs of the Government, wherein as you shall not want my
'Concurrence and Assistance, so I shall depend on your ready and chearful
'Support and Encouragement :

Mr Secretary *Willard* brought down His Excellency's Additional Instructi-
on, which was Read to the House, and is as followeth,

By the Lords Justices.

William Cant.
Parker,
Townsbend,
Holles Newcastle,
Devonshire,
J. Craggs, S.

Additional Instruction to Samuel Shute, Esq;
His Majesty's Captain General and Governour
in Chief of His Majesty's Province of the
Massachusetts-Bay, in America, or to the
Commander in Chief of His Majesty's Pro-
vince of the Massachusetts-Bay, for the
Time being. Given at Whitehall, the 27th
of September, 1720. in the Seventh Year
of His Majesty's Reign.

WHEREAS Acts have been passed in some of His Majesty's
Plantations in *America* for Striking Bills of Credit, and if-
suing out the same, in order to discharge the publick Debts, and for
other Purposes, from whence several Inconveniencies have arose.

It is therefore His Majesty's Will and Pleasure, that for the future

E

you

you do not give your Assent to, or pass any Act in His Majesty's Province of the *Massachusetts-Bay* under your Government, whereby Bills of Credit may be struck or issued in lieu of Money, or for Payment of Money either to you the Governour or to the Commander in Chief, or to any of His Majesty's Council, or the Assembly of the *Massachusetts-Bay*, or to any other Person whatsoever, without a Clause be inserted in such Act, declaring that the same shall not take Effect until the said Act shall have been Approved and Confirmed by His Majesty; except Acts for raising and settling a publick Revenue for defreying the necessary Charge of the Government of the said Province of the *Massachusetts-Bay*, according to the Instructions already given to you.

By their Excellency's Command,

Ch. D'la Faye.

The aforesaid Instruction being Read in the House, June 9. the House differing in their Apprehension concerning the true meaning thereof, Ordered a Committee to wait on His Excellency the Governour, and desire his Explanation of them. The next day the Governour desired the House would inform him wherein the difficulty of his instruction consisted, that he might be the better able to satisfy them about it. And the Question sent up by the House was, *Whether by the Exception (Except Acts for raising or settling a publick Revenue, &c.) is meant, that the Governour may give his Assent to an Act or Order for raising and settling a Revenue, that is, by fixing a settled Salary on himself and other Officers of Government, without inserting the aforesaid Clause in the Act; or what is given to his Excellency or any other by way of Allowance as heretofore hath been accustomed, His Excellency is not to assent to any such Order or Act of Allowance, without having the aforesaid Clause inserted, is uncertain to this House; and the Instruction referring to former Instructions, which the House have not been favoured with a sight of, and so cannot know the meaning thereof: Wherefore, to prevent all misunderstanding, and to keep up and maintain a good Agreement and Harmony between his Excellency and the House, they were desirous that his Excellency would be pleased to signify to them, how he apprehends and takes that Instruction as to his Power of passing Acts for the issuing of more Bills of Credit in lieu of Money, or for Payment of Money for defreying the necessary Charge of the Government.*

In Council, *June 13. 1721.* His Excellency having communicated the Message of the House on the Instruction, the following Resolve passed the Board and was sent down. — The Council are unanimously of Opinion, that His Majesty's said Instruction does not affect the usual Allowance granted to His Excellency the Governour for his support in managing the Affairs of the Government, or any other ordinary Grants or Allowances made by the General Assembly from Time to Time to other Persons or Officers concerned in the Government; but that such Grants and Allowances may be made without the Clause mentioned in the said Instruction, in the same manner as has been heretofore practised by the General Assembly: Such Allowances and Grants being part of the necessary Charge of the Government of the Province; for the defraying of which, the Acts for laying and raising of Taxes and settling the Revenue are made, and cannot by any reasonable Construction be looked upon as an Act or Acts of an unusual or extraordinary Nature, or wherein His Majesty's Prerogative or the Property of His Subject is prejudiced.

Signed *J. Willard*, Secretary.

The Opinion of the Council being agreeable to my own sentiments in this matter, I shall Act accordingly.

Signed, *Samuel Shute*.

The Copy of his Excellency's former Instruction is as follows.

Article 14.

AND whereas great Mischiefs may arise by passing Bills of an unusual and extraordinary Nature and Importance in the Plantations, which Bills remain in Force there from the time of the Enacting, until his Majesty's Pleasure be signified to the contrary; His Majesty does hereby Will and Require you not to Pass or give your Consent hereafter to any Bill or Bills in the Assembly of His Majesty's said Province of unusual and extraordinary Nature and Importance, wherein His Majesty's Prerogative or the Property of His Subjects may be prejudiced, without having first transmitted to His Majesty the Draught of such a Bill or Bills, and His Majesty having signified His Royal Pleasure therein, or that you take Care in the passing of any Act of an unusual and extraordinary Nature, that there be a Clause inserted therein, suspending and deferring the Execution thereof until His Majesty's Pleasure be known concerning the said Act,

Act, to the end His Prerogative may not suffer, and that His Majesty's Subjects may not have Reason to complain of Hardships put upon them on the like Occasion.

A true Copy,

J. Willard.

September 6. 1721. The Sum of *five hundred pounds* Allowed by the Court to Governour *Shute* for his support.

November 17. The like Sum of *five hundred pounds* Allowed and paid to His Excellency *Samuel Shute*, Esq; for his support in managing the Affairs of the Government.

July 6. 1722. *Five hundred pounds* Allowed and paid out of the publick Treasury to Governour *Shute*, for his support in managing the Affairs of the Government.

At a Great and General Court or Assembly held at *Boston*,
November 15. 1722. by Prorogations.

In the House of Representatives, *January 18. 1722.*

Resolved, That the Sum of *two hundred and fifty pounds* be allowed and paid out of the publick Treasury to his Honour *William Dummer*, Esq; Lieut. Governour and Commander in Chief, for his support in managing the Affairs of the Government.

In Council, Read and Concurred, and Consented to by the Lieutenant-Governour.

At a Session of the Great and General Court in *May, 1723.*

The Sum of *three hundred pounds* Allowed and paid the Lieut. Governour for his support in managing the Affairs of the Government.

At a Session of the Great and General Court or Assembly held at
Boston, by Prorogations *October 23. 1723.*

In the House of Representatives.

Two Letters dated *Whitehall*, August 6th. and 23d. Signed, *Anthony Sanderson*, directed to Mr. Speaker, inclosing the Memorial of Governour
Shute.

Shute, against the Proceedings of the House of Representatives, presented to the King's Most Excellent Majesty.

26th. The House *Resolved*, That the Treasurer should be directed forthwith to supply Mr. *Anthony Sanderson* of London with the Sum of *One hundred pounds* Sterling, to employ Council, and further to enable him to justify the Proceedings of the House against those Complaints, and sent it up for Concurrence: Which Resolve was unanimously Non-concurred at the Board.

Saturday, November 23d. In the House of Representatives.

Resolved, That Mr. Treasurer *Allen* be directed to furnish Mr. Speaker *Clark* with the Sum of *Three hundred pounds* Sterling, to be used and employed as the House of Representatives shall direct, for their necessary Defence, and prolonging our Charter-Privileges, &c.

In Council, December 11. Read and Concurred, so far as that Mr. Treasurer be directed to purchase *three hundred pounds* Sterling, in good Bills of Exchange, *one hundred pounds* thereof to be put into Mr. Speaker's Hands, to be employed as the House of Representatives shall direct, for the Service of the Province: The remaining *two hundred pounds* to supply the Agent or Agents who are or shall be employed and intrusted by this Court, in Defence of our Charter-Privileges.

27th. The House *Voted*, That the Treasurer be further Directed and Authorized to take such Methods for supplying *Elisha Cook* Esq; with the Sum of *two hundred pounds* Sterling, already allowed by this Court, and directed to be put into the Hands of Mr. Speaker *Clark*; which was sent up for Concurrence, and accordingly was concurred at the Board, and consented to by the Lieut. Governour.

At the Close of the above Session, the Sum of *three hundred pounds* was allowed and paid the Lieutenant-Governour and Commander in Chief, for his Support in managing the Affairs of the Government.

May 29. 1724. *John Clark* Esq; was admitted into the House, and delivered Two Packets or Letters directed to him as Speaker of the House, from Messieurs *Cook* and *Sanderson*, Agents for the House at the Court of Great Britain, inclosing a second Memorial of Governour *Shute*, addressed to the Right Honourable the Lord *Carteret*, his Majesty's principal Secretary of State; complaining of several of the Proceedings of the House, as well as the whole Court, with sundry other Papers respecting the said Memorial: In which Memorial is the following Paragraph, viz.

That

That tho' His Majesty has been pleased to appoint me Governour of the said Province, and that I am absent by His Majesty's Leave, to lay the State of the Province before His Majesty, the House of Representatives have not voted me any Allowance since my Absence from that Province.

Saturday, June 20. 1724. The Representatives passed a Resolve, for the payment of three hundred pounds out of the Treasury, to the Lieutenant-Governour and Commander in Chief for his Support. Which the Board Concurr'd, and the Lieutenant-Governour consented to.

In the House of Representatives, December 2d. 1724.

Resolved, That Mr. Treasurer Allen be directed and is hereby impowered to purchase and remit at the lowest and best rates that he can, the Sum of three hundred and fifty Pounds Sterling, to be put into the Hands of Elisha Cooke, Esq; the Agent for this House, now at the Court of Great Britain, the better to enable him to Negotiate the Affairs he is there intrusted with. Which Resolve the Board concurred with an Amendment, adding, after intrusted with, the three following Words, by the House.

In the House of Representatives December 23. 1724.

Resolved, That the Sum of three hundred and fifty pounds be allowed and paid out of the publick Treasury to his Honour William Dummer, Esq; Lieut. Governour and Commander in Chief of this His Majesty's Province, for his support to enable him to manage the Affairs of the Government.

In Council, Read and Concurred: Consented to, William Dummer.

June 24. 1725. Three hundred and fifty pounds allowed and paid out of the publick Treasury to the Lieut. Governour and Commander in Chief for his support, &c.

On the fifth of January following, four hundred and fifty pounds was allowed and paid the Lieut. Governour out of the publick Treasury for his support, to enable him to manage the publick Affairs.

Saturday, June 25. 1726. In the House of Representatives.

A Resolve passed for granting four hundred pounds to the Lieut. Governour for his support, &c. Which was concurred at the Board on the Monday following, and then consented to by the Lieut. Governour.

In the House of Representatives, August 27. 1726.

Resolved, That the Sum of one hundred pounds be allowed and paid out of the publick Treasury to his Honour William Dummer, Esq; Lieut. Governour and

and Commander in Chief of this His Majesty's Province, with the sincere and hearty Thanks of this Court to his Honour, for his good Service at the Ratification of the Treaty of Peace. Which the Board concurred and the Governour consented to:

In the House of Representatives, *December 31. 1726.*

A Resolve passed for *four hundred pounds* to be paid the Lieut. Governour, to enable him to manage the Affairs of the Government. And on the 2d. of *January* the Council concurred therewith, and the Lieut. Governour consented thereto.

At a Session of the Great and General Court held at *Boston,*

May 31. 1727.

Four hundred Pounds granted the Lieut. Governour for his support to enable him to manage the Affairs of the Government.

On the 21st of *February* following the further Sum of *four hundred pounds* was allowed and paid the Lieut. Governour for his support, &c.

At a Session of the Great and General Court or Assembly held at

Boston, May 29. 1728.

Four hundred Pounds was allowed and paid out of the publick Treasury to the Honourable *William Dummer, Esq;* Lieut. Governour and Commander in Chief, for his support in managing the Affairs of the Government.

At a Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England;* begun and held at *Boston,* by Prorogation the 24th. of *July, 1728.*

His Excellency *William Burnet, Esq;* Captain General and Governour in Chief in and over this Province, at the Opening the Session, directed the House of Representatives to attend him in the Council Chamber: The Speaker and House went up, and his Excellency made a Speech to the Court.

His Excellency's Speech is as follows:

GENTLEMEN,

IT is not easy to express the Pleasure I have had in coming among you; The Commission with which His Majesty has Honoured me, however unequal I am to it, has been received in so respectful and noble a manner, and the Plenty and Wealth of this great Province has appeared to me in such a strong Light, as will not suffer me to doubt of your Supporting His Majesty's Government by an ample, honourable and lasting Settlement.

THE

The British Parliaments who have ever since the happy Accession of the most Illustrious House of Hanover, been the steady and unerring Guardians of the Liberties of the Nation, as well as of the Protestant Religion and the Peace of Europe, have a just Claim to be a Pattern to the Assemblies in the Plantations: The happy Success of their Proceedings is a strong Argument to induce you to follow their Example, especially since you approach the nearest of any of His Majesty's American Dominions to the Trade and Numbers of People in his European Kingdoms. The same Maxims that make Great Britain shine, will make you flourish and your Posterity after you.

The three distinct Branches of the Legislature, preserved in a due Ballance, form the Excellency of the British Constitution: If any one of these Branches should become less able to support it's own Dignity and Freedom, the Whole must inevitably suffer by the Alteration. I need not draw the Parallel at length, It speaks of it self: His Majesty is the Head of the Legislature here; The Governour is but his Officer to act by His Instructions, and to have no Inclinations, no Temptations, no Byass, that may divert him from obeying his Royal Master's Commands.

The Wisdom of Parliaments has now made it an established Custom to grant the Civil List to the KING for Life: And as I am confident the Representatives of the People here would be unwilling to own themselves outdone in Duty to His Majesty by any of His Subjects, I have Reason to hope that they will not think such an Example has any thing in it which they are not ready to imitate.

I shall lay before you His Majesty's Instruction to me upon this Subject; Which, as it shall be an inviolable Rule for my Conduct, will without Question have its due weight with you.

It cannot be expected that I should be already sufficiently acquainted with the Circumstances of the Province to recommend other Matters to your Consideration; but your Knowledge and Experience may supply that Defect. And in every thing that tends to the Publick Good, you shall find me heartily inclined to Concur with you to the utmost of my Skill and Power.

July 24. 1728.

W. BURNET

Read.

Mr. Secretary Willard brought down the Instruction His Excellency referred to in His Speech, which His Excellency thought proper to Communicate, and is as follows, viz.

23d. Instruction. 'Whereas it has been represented unto Us, that the Council and Assembly of Our Province and Territory of the Massachusetts-

Massachusetts-Bay, have not hitherto settled any certain Salary upon
 Our Governour thereof, suitable to the Dignity of that Post, notwithstanding Copies of Our Instructions for that purpose have
 been laid before them: And whereas the Lords of the Committee
 of Our Privy Council, and likewise Our Commissioners for Trade
 and Plantations have reported, that the Salary payable to Our Governour hath never been settled according to the Instructions given
 to Our former Governours, notwithstanding it has been earnestly
 recommended to the said Council and Assembly in Our Name, to
 pass Acts for that purpose; but that instead thereof, they have
 from time to time made them such Allowances and in such Proportions as they themselves have thought Our Governour has deserved, in Order thereby to make Our said Governour more dependant upon them; which proceedings of the said Councils and Assemblies of Our said Province, in not paying a due Regard to the
 Royal Pleasure of the Crown so often signified to them, We cannot
 but look upon as a neglect of their Duty to Us on that behalf; and as We judge it highly reasonable and necessary that a due
 Provision should be made for the Support of Our Governours of
 Our said Province, as hath been made for Our Governours of Our
 other Plantations in *America*, which have been much less able to
 Grant the same than Our said Province of the *Massachusetts-Bay*; Our Will and Pleasure therefore is, and We do hereby require and
 direct You to acquaint the Council and Assembly of Our said Province of the *Massachusetts-Bay*, that as they hope to recommend
 themselves to the Continuance of Our Royal Grace and Favour, they must manifest the same by an immediate Compliance with what
 has so often been recommended to them in forthwith passing Acts to
 establish a fixed and honourable Salary for the Supporting & Maintaining the Dignity of Our Governour and Commander in Chief for
 the time being, and We deem a competent Sum for that purpose
 to be at least *One Thousand Pounds Sterling* per Annum from Our
 said Province of the *Massachusetts-Bay*. And in Case the said Council and Assembly shall not pay a due and immediate Regard to Our
 Royal Will and Pleasure hereby Signified, We shall look upon it
 as a manifest mark of their Undutiful Behaviour to Us, and such as
 may require the Consideration of the Legislature in what manner

' the Honour and Dignity of Our Government ought to be Supported in Our said Province for the Future.

Extract from His Majesty's Instructions to His Excellency WILLIAM BURNET, Esq; Governour, &c.

Examined per J. Willard, Secr.

Post Meridiem.

His Excellency's SPEECH read again.

The Instruction referred to in His Excellency's Speech read again.

July 25. 1728.

The House entered into the Consideration of that part of His Excellency's SPEECH which relates to a fixed Salary, and spent some considerable time in debating thereon.

Post Meridiem.

His Excellency's SPEECH read again, together with His Majesty's Instruction therein referred to, and the House debated thereon.

July 27. 1728.

Resolved, That the Sum of Seventeen Hundred Pounds be allowed and paid out of the publick Treasury to His Excellency WILLIAM BURNET, Esq; Captain General and Governour in Chief of this His Majesty's Province to enable him to manage the publick Affairs of the Government, and defray the Charge he hath been at in coming here.

July 30. 1728.

Mr. Secretary Willard brought down a Message from His Excellency to both Houses in the Words following, *Viz.*

Gentlemen of the Council and House of Representatives,

I Cannot avoid observing to you that the Resolve of the House of Representatives of the 27th. concerning a Sum to be allowed to me out of the Treasury which had Yesterday the Concurrence of the Council, is contrary to His Majesty's Instruction communicated to you, inasmuch as that Sum is allowed partly "to enable me to manage the publick Affairs

"Affairs of the Government," which part of the Application of that Sum is the very thing against which the said Instruction is levelled, for it recites "That instead of a Salary the Council and Assembly had from time to time made Governours such Allowances and in such Proportions as they themselves have thought His Majesty's Governours had deserved, in order thereby to make the said Governours the more dependent upon them:" Which is by His Majesty termed a neglect of their Duty, and an immediate Compliance in settling a Salary payable to the Governour is made a Condition of His Royal Favour, and the contrary declared a manifest Mark of undutiful Behaviour.

For these Reasons I am utterly disabled from consenting to the said Resolve, that I may not draw His Majesties just Displeasure upon my self, and I hope that when you have considered the whole Matter with it's Consequences, you will have the same thoughts with me.

July 30th. 1728.

W. BURNET.

Pass'd in Council, viz. In Council July 30th. 1728. Read and Sent down.

Read and Ordered, That Mr. Cooke, Col. Dudley, Mr. Welles, Mr. Lewis, Mr. Shove, Mr. Remington, Mr. Buby, Mr. Wright, and Major Chandler, with such as the Honourable Board shall appoint be a Committee to take into Consideration the within Message of His Excellency the Governour, and that they prepare some proper Answer to be by both Houses made thereto, the Committee to sit forthwith and make Report as soon as may be.

Sent up for Concurrence.

August 6. 1728.

Resolved, That the Sum of Fourteen Hundred Pounds be allowed and paid out of the publick Treasury, to His Excellency WILLIAM BURNET Esq; Captain General and Governour in Chief of this His Majesty's Province, to enable him to manage the publick Affairs of the Government.

Sent up for Concurrence.

Resolved, That the Sum of Three Hundred Pounds be allowed and paid out of the publick Treasury to His Excellency WILLIAM BURNET Esq; Captain General and Governour in Chief of this His Majesty's Province, for defreying the Charges he hath been at in coming to this Government.

Sent up for Concurrence.

7th. Mr.

7th. Mr. Remington from the Committee appointed to consider of the Report of the Committee of both Houses on his Excellency's Message, reported according to Order, That the Committee were of Opinion, that the House do accept the Report as new drafted, which being read twice and duly considered, was Accepted, and is in the Words following, viz.

May it please Your Excellency,

THE Council and Representatives of this Province have taken into mature Consideration Your Excellency's Message of the 30th. of July relating to the Allowance Voted the 27th. of the said Month to be made to Your Excellency. And thereunto make Answer.

That as the ROYAL CHARTER granted Us by King WILLIAM and Queen MARY of glorious Memory, has vested in the General Court a Power to impose and levy proportionable and reasonable Rates and Taxes, and to apply and dispose of the same pursuant to the Rights and Privileges inherent in Us in common with other His Majesty's Freeborn Natural Subjects which are in said Royal Grant particularly so declared and asserted, so we can with all Sincerity assure You of our Readiness to improve that Power in providing for Your Excellency such a Support as shall be ample and honourable, at the same time We humbly apprehend that His Majesty's Service in the necessary Defence and Support of the Government and the Protection and Preservation of the Inhabitants thereof, the two great Ends proposed in the Power granted to this Court, for the raising Taxes as aforesaid will be best answered without establishing a fixed Salary, and apprehending that we cannot in Faithfulness to the People of this Province in any other way provide for your Excellency's Support, We therefore earnestly pray Your Excellency to accept the Grant now made and herewith presented, not doubting but that this and succeeding Assemblies will at the usual times cheerfully afford a Support suitable to the Dignity of Your Excellency's Person and Station.

Sent up for Concurrence, and at the same time the two Grants made to His Excellency last Night, viz. of £. 1400. and £. 300. were sent up accompanying the above Answer.

John Wheelwright Esq; from the Committee of both Houses, reported the Draught of an Answer to His Excellency's Message entred the 30th of July last, which being Read and considered, was accepted by both Houses, and sign'd by the Secretary in the Name and by Order of the Council, and by the Speaker in the Name and by Order of the House of Representatives, and the said Answer is as follows, viz.

Province

Province of the *Massachusetts-Bay*.

May it please Your Excellency,

THE Council and House of Representatives of this Province, have taken into mature Consideration Your Excellency's Message of the 30th of *July*, relating to the Allowance Voted the 27th of the said Month, to be made to Your Excellency; to which we humbly offer the following Answer:

That as it is our undoubted Right as *English-men*, and a Privilege vested in the General Court by the *Royal Charter*, granted by King *William* and Queen *Mary*, of Glorious Memory, to raise Money by Taxes, and apply the same for the necessary Defence and Support of the Government: So we can with all Sincerity assure You of our Readiness to improve that Power in providing for your Excellency such a Support as shall be Ample and Honourable. At the same time we humbly apprehend that His Majesty's Service in the necessary Defence and Support of the Government, and the Protection and Preservation of the Inhabitants thereof, *the two great Ends* proposed in the Power granted to this Court for the raising Taxes as aforesaid, *will be best answered without establishing a fixed Salary.*

We esteem it a great Unhappiness, that His Majesty should think our Method of supporting the Governours of this Province, a Design of making them Dependent on the People: And we do assure your Excellency, that as it is our Duty to preserve and maintain the Rights and Privileges of His Majesty's good Subjects of this Province; so we shall endeavour that the Dignity and Authority of His Majesty's Government may be supported.

We therefore pray your Excellency to accept the Grant made and herewith presented, not doubting but that this and succeeding Assemblies will at the usual Times, cheerfully afford a Supply suitable to your Excellency's Person and Station.

9th. *John Turner* and *Spencer Phips*, Esqrs; brought down the following Message from His Excellency the Governour to both Houses, viz.

Gentlemen

Gentlemen of the Council and House of Representatives,

I Have considered your Answer (delivered me this day) to my Message of the 30th. of July, and must observe to you that the Right of English men can never entitle them to act in a wrong manner, and therefore the Privilege in your Charter, to raise Money for the Support of the Government is therein expressed to be by *wholesome and reasonable Laws and Directions*, and consequently not by such as are hurtful to the British Constitution it self, and to the Ends of Government.

A Support given in such a precarious manner as has been usual here cannot possibly be Honourable because it implies no sort of Confidence in the Government, and makes the Support of it depend visibly on an entire compliance with every thing demanded by the other Branches of the Legislature; by this means the Governour must either be deprived of the undoubted Right of an English Man, which is to act according to his Judgment, or the Government must remain without Support.

I may appeal to the Consciences of such Gentlemen as have been concerned in the publick Affairs here, whether the Allowance for the Governour's Salary has not been kept back till other Bills of Moment have been consented to, and whether it has not some times depended on the obtaining such Consent. These Matters which are well known leave no room to wonder why His Majesty thinks this Method of supporting the Governours a Design to make them dependent on the People: And as you have given me no Reason at all against this Opinion, I must believe it is the real View intended to be pursued by such temporary Provisions.

I am therefore again obliged to declare to you that I can never accept of a Grant of this Kind; and since you make such Professions of your own good Intentions, and are so well perswaded of those of future Assemblies, you can have no just Objections against making those purposes effectual by fixing and settling a Support for the Government.

August 9th. 1728.

W. BURNET.

Pass'd in Council, viz. In Council August 9th. 1728. Read and sent down.

15th. Symonds Epes and Theophilus Burrell Esqrs; brought down the Report of the Committee appointed to consider of the Message of His Excellency the Governour on the 9th Currant, and report what may be proper to be done thereon, pass'd in Council, viz. In Council, August 14th. 1728. Read and not Accepted, which accompanied a Draft of the Honourable Board in Answer to the said Message, pass'd in Council, viz. In Council, August 15th. 1728. Read and Voted, That the above Draft be the Answer to his Excellency's Message of the 9th Instant.

Sent down for Concurrence.

Read.

The

The House entred into the further Consideration of the Report of the Committee appointed to consider of His Excellency's Message of the 9th. Curreant, and after some Debate had thereon, the House Voted an Acceptance of the said Report with the Amendments, which Report as Amended is as follows, viz:

May it please your Excellency,

THE Council and Assembly have carefully considered Your Message of the 9th. Instant, and do entirely agree with Your Excellency, That the Right of Englishmen cannot entitle them to act in a wrong manner, which we are far from desiring: And we also agree that the CHARTER impowers the General Assembly to raise Money for the Support of the Government according to wholesome and reasonable Laws and Directions; And it also declares that they be such as the General Court shall judge to be for the good and welfare of the Province, and therefore we conceive that it is against the Design of the Power vested in us by CHARTER, to pass any Acts pursuant to the Instruction Your Excellency has laid before us; forasmuch as passing such Acts (as we humbly apprehend) has a direct tendency to weaken if not destroy our happy Constitution, by our giving away the great and almost only Privilege that gives weight to the House of Representatives, which is the making Grants of Moneys as the Exigence of Affairs requires, and which being once given up, the Governor will be too absolute; whereas if we resemble the British Constitution, as Your Excellency has done us the Honour to declare, We humbly apprehend that no part of the Legislature should be so independent: We have ever conceived that it was the peculiar distinction and glory of the British Constitution, that every part of it had a mutual relation to and dependence on each other, according to the different Powers or Privileges respectively belonging to each: Thus it is in the Members of the natural Body, and thus we understand it to be in the British Polity, and that herein it excels and differs from unlimited Monarchy: We cannot therefore but be humbly of Opinion, that granting a Support to the Government according to the Ability of the Province and exigence of Affairs, as the Assembly shall judge meet from time to time, very directly and visibly tends to preserve the Constitution established by CHARTER, and cannot understand how it should be hurtful to the British Constitution, or any good Ends of Government.

YOUR Excellency is pleas'd to say, That a support given as has been usual here, cannot be Honourable because it implies no sort of Confidence in the Government. To this we would humbly offer, That if your Excellency would take Notice of our Grants, you would see that the very method it self is founded

' founded on nothing else, in as much as they always look forward, and
 ' are given to enable the Governour to go on and manage the publick
 ' Affairs: Thus in this our first Session at Your Excellency's desired and
 ' welcome Arrival, the Assembly made a Grant of *Fourteen Hundred Pounds*
 ' to enable Your Excellency to manage the Affairs of this Province, fully
 ' confiding in Your future Conduct. If Your Excellency intends that we
 ' do not put so much confidence in the Governour as the Parliament do in
 ' our most Gracious Sovereign, to whom the Civil List is granted for his
 ' Life (which GOD long preserve) we freely acknowlege it. Is it reason-
 ' able or possible that we should confide in any Governour whatsoever so
 ' much as in our most Gracious KING the common Father of all his
 ' Subjects? who is known to delight in nothing so much as their Happiness,
 ' and whose Interest and Glory, and that of his Royal Progeny, are inse-
 ' parable from the prosperity and welfare of his People; Whereas it is
 ' most obvious that ordinarily neither the Prosperity nor Adversity of a
 ' People affect a Governour's Interest at all, when he has once left them.
 ' And yet giving up all this, and putting the same Trust in the Gover-
 ' nour as in our most Gracious King, it could not thence follow that we
 ' should settle a Salary on the Governour for the time being: This would
 ' be going beyond what the *British* Parliament have done who have settled
 ' the Civil List on His most Excellent Majesty for Life only.

' YOUR Excellency is pleased further to say, *That the support of the Go-*
 ' *vernment in this Method depends visibly on an entire compliance with the other*
 ' *parts of the Legislature.* Had the Governour no Authority over, nor Checks
 ' upon them, we must acknowlege this to be the case, but as both the other
 ' parts of the General Court have a very great dependance on the Gover-
 ' nour's discretionary power, the Council (as the practice ordinarily is) for
 ' their very Being, and both they and the Representatives for every Law
 ' and proper Act of Government, for every Penny put into or drawn out
 ' of the Treasury, for their whole Defence and Security in every case of
 ' Danger, as he is their Captain General; besides other obvious particulars
 ' needless and too numerous to be named, That if in this single instance
 ' the Governour should have some dependance on the Assembly, especially
 ' as to the amplitude of his Support according as they should see the Pro-
 ' vince able, the other things they depend on Him for, are so vastly more
 ' than a counter balance, that it cannot be thought that the Commander
 ' in Chief can be thereby prevented acting according to his Judgment, or
 ' remain without Support, nor has there ever been any such instance here
 ' that we know of.

' YOUR Excellency is pleased to appeal to the Consciences of Gentlemen
 ' that have been heretofore in publick Affairs. As to the past conduct of Assem-
 ' blies

' blies in making the Support of the Government conditional; it is not
' easy to say what Men have had or had not in their own views and
' and thoughts, but this we can say, that to have done so, as the case might
' have been circumstanced, would not have been unreasonable in it self, nor
' without president from the Parliaments of *England*, when some of the
' greatest Patriots and most wise and learned States-men, have been Actors
' in them.

' We assure Your Excellency, that it is not any exception to Your Per-
' son or Administration (which we hope other parts of our Conduct have
' likewise made evident) that determines us so much against fixing a Salary,
' but because we are perswaded the Defence and Support of the Govern-
' ment and Protection and Preservation of the Inhabitants, the two great
' Ends proposed in the *CHARTER*, will be best answered by making the
' Grants from time to time, as the Circumstances of the Province call and
' enable us: And therefore we hope it will not be offensive that we are
' constrained in faithfulness to the People of this Province, to say, That
' we cannot pass any Act to establish a fixed Salary for the Governour,
' according to Your Excellency's Instruction from His Majesty.

Sent up for Concurrence.

Then the House entred into further Consideration of the Draft of the
Honourable Board for an Answer to His Excellency's Message abovesaid,
which is as follows, *viz.*

May it please Your Excellency,

WE are much concerned, that so soon after Your Excellency's Ar-
rival among us, there should be different Sentiments in the Le-
gislation with respect to the Method of Your Support in the Adminis-
tration of the Government of this Province. We have already signified to
You our Apprehension that the great End proposed in the Power granted
by the Royal *CHARTER* to the General Court for the levying proportion-
able and reasonable Rates and Taxes, and applying and disposing of the
same, *viz.* ' His Majesty's Service in the necessary Defence and Sup-
' port of the Government, and the protection and preservation of the
' Inhabitants thereof, would be best answered without establishing a
' fixed Salary.

And with great deference to Your Excellency's Opinion, we would fur-
ther add, that we cannot think an Honourable Allowance made by the
General Court at the beginning of a Session, may be justly looked upon as
having

having a Tendency to bring the Governour into a dependance on the People, inconsistent with the Dignity of his Station, or his freedom of acting according to his Judgment, inasmuch as the Sum so advanced is to enable him to proceed in managing the publick Affairs, and it not being in the nature of a Reward, manifestly implies great Confidence in the Governour.

We hope when Your Excellency shall have viewed the Matter in this Light, Your Difficulties expressed in Your late Message will be removed, and that you will please to accept the Grant already made you.

In Council, August 15th. 1728. Read and Voted, that the above Draft be the Answer to His Excellency's Message of the 9th. Instant.

Sent down for Concurrence.

Read and Non-concurr'd.

August 16. 1728.

A Message from the Honourable Board that they had Non-concurr'd the Vote of the House on the Report of the Committee of both Houses in answer to the Message of His Excellency the Governour of the 9th Current, which accompanied the Draft of the Honourable Board in answer to the said Message, with the Vote of the House of Yesterday for Non-concurring the Vote of the Board of the same Date, pass'd in Council, viz. In Council, August 16th. 1728. Read, and the Board adhere to their own Vote, and the Honourable House are desired to reconsider their Vote of Non-concurrence. Read, and after some Debate, Upon a Motion made and seconded by many of the Members, whether they would reconsider their Vote above for Non-concurrence, and the Question being thereupon put, It pass'd in the Negative.

Ordered, That a Message be sent up to the Honourable Board, to desire they would send down the Report of the Committee of both Houses in answer to His Excellency's Message of the 9th. Instant, which was brought down by Spencer Phips Esq; and the House debated thereof for some time.

Whereas the Council and Representatives have in this present Session come into a Grant or Resolve for an honourable and ample Support for his Excellency to enable him in managing the publick Affairs of the Government, which hath not been accepted by him because not fixed:

Voted, That the passing an Act for fixing a Salary on the Governour or Commander in Chief for the time being will be dangerous to the Inhabitants of this Province, and therefore contrary to the plain End and Design of the Power given by the Royal CHARTER to make wholesome and reasonable Orders and Laws as shall be judged to be for the good and welfare

fare of the Province, wherefore we can by no means come into such an Act.
Sent up for Concurrence.

Benjamin Lynde and *Daniel Oliver*, Esqrs; brought down the Vote of the House touching the fixing a Salary on the Governour or Commander in Chief for the time being sent up this Morning, pass'd in Council, viz. In Council, *August* 20th. 1728. Read and Non-concurr'd, for that altho' the Board are of Opinion that it might prove of ill Consequence to settle a Salary upon the Governour for the time being, yet they apprehend that a Salary may be granted for a certain time to His Excellency *WILLIAM BURNET* Esq; our present Governour, without Danger to the Province, and that such a Grant will not be contrary to the plain End and Design of the Powers given by the Royal CHARTER to make wholesome and reasonable Orders and Laws. Read and Ordered, That *Mr. Lewis*, *Mr. Cooke*, *Mr. Welles*, *Major Quincy*, *Capt. Goddard*, *Mr. Remington*, *Mr. Shove*, *Col. Dudley*, and *Mr. Wright* be a Committee to draw some proper Answer for the House to make to His Excellency's Message of the 9th. Currant, and also to take under Consideration the above Message of the Honourable Board accompanying their Vote of Non-concurrence, and report what may be proper for the House to do in answer thereto, and report as soon as may be.

22d. Voted, That the passing an Act for fixing a Salary on the Governour or Commander in Chief for the time being will be dangerous to the Inhabitants of this Province, and therefore contrary to the plain End and Design of the Power granted by the Royal CHARTER to make wholesome and reasonable Laws and Orders as shall be judged to be for the good and welfare of the Province, wherefore we can by no means come into such an Act:
Sent up for Concurrence.

August 22. In Council, read and concur'd with the Amendment; according to which the Vote will run thus:

Voted, That the passing an Act for fixing a Salary on the Governour or Commander in Chief without limitation of Time, may prove of ill consequence to the Province.

Which was Read and Non-concurr'd by the House, and the House adhered to their own Vote which was Non-concurr'd at the Board, and they insisted on their Amendment.

28th. Voted, That a Message be sent up to his Excellency the Governour by *Mr. Wright*, *Mr. Foster*, *Col. Gorham*, *Mr. Bradford*, *Mr. Dodge* and *Capt. Alden*, to acquaint him that it is the Desire of the House that the Court may

may rise, who returned they had delivered the Message and His Excellency said he would send an Answer.

A Message from his Excellency the Governour, by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

IN Answer to your Message of this Afternoon, that the House is desirous to rise, I must observe to You, that His Majesty expects an immediate regard from the Council and Assembly to His Will and Pleasure signified in his 23d. Instruction to me concerning the Establishment of a fixed and honourable Salary for the Support of the Government.

If I should Consent to your present Desire, I should thereby make your immediate Regard to His Majesty's Pleasure impossible, which it is not as long as this present Session continues, and therefore I cannot agree to a Recess till you have finished this Matter, for which the Court is now met.

August 28. 1728.

W. BURNET.

Read, and the House having debated on the said Message,

Voted, That Mr. Remington, Mr. Cooke, Mr. Lewis, Major Chandler, Col. Dudley, Mr. Welles, Mr. Shove, Capt. Goddard, Capt. Eastwick, Mr. Cushing, and Mr. Hall, be a Committee to take under consideration the said Message, and Report what may be proper in their Opinion for the House to do in Answer thereto.

29th. Mr. Remington from the Committee appointed last Night to consider of what may be proper to be done in answer to His Excellency's Message, made Report, which was read and accepted, viz.

May it please Your Excellency,

THE House of Representatives have considered Your Message of yesterday, and therein they observe that Your Excellency declines granting their desire to rise, for that the Council and Assembly have not complied with His Majesty's 23d. Instruction. Now, May it please Your Excellency, The House having maturely deliberated on that Instruction, and being fully perswaded that settling a Salary on the Governour for the time being according thereto, will be acting against the Interest of this Province: Wherefore for this House to be concerned in passing an Act for establishing a Salary in that manner, would be to use the Powers granted by the Royal CHARTER in prejudice of the Rights and Liberties of the Inhabitants of this

this Province; and as we have been heretofore of this Opinion so we are still fully perswaded of it, for which Reason we account our selves bound in Faithfulness to the People of this Province to say that we can never come into any Act for establishing a Salary on the Governour and Commander in Chief for the time being, and therefore we earnestly renew our Request that Your Excellency would be pleased to grant the House's desire of Raising.

A Message from His Excellency the Governour by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

‘ **Y**OUR Answer of this Morning to my Message of yesterday, contains no Reasons that appear to me sufficient, why His Majesty’s twenty-third Instruction may not be complied with, since the same Methods which are found no ways to prejudice the Rights and Liberties of the People of *Great Britain*, nor of other Colonies, cannot prejudice those of this Province; and as I am convinced that your present Opinion is not built upon any real Foundation, I ought to suppose that you will alter it, when you have maturely considered the whole Affair with all its Consequences. Whatever you may now imagine I am perswaded that you would be very sorry to find His Majesty’s Favour withdrawn from you on account of your Undutiful Behaviour in not paying an immediate Regard to this Instruction, and you would be very much concerned to find the Legislature of *Great Britain* taking into Consideration the Support of this Government, and perhaps something besides which I forbear to name.

‘ When these things happen (as from your Proceedings they naturally must) I am sure you will thank no Person who has been instrumental in bringing matters to such a pass, and therefore for your own Sakes, as well as out of Duty to His Majesty, I declare to you my fixed Resolution of doing nothing on my part that may put it out of your Power to continue in your Duty to the best of Kings.

August 29th. 1728.

W. BURNET.

31. Mr.

31. Mr. Cooke from the Committee appointed to take under Consideration His Excellency's Message of the 29th Currant, made Report thereon according to Order, which was read and accepted, and thereupon Voted, That the following Message be sent to His Excellency in Answer to his said Message, viz.

May it please Your Excellency,

THE Representatives in General Court now Assembled, before they proceed to make a reply to what they received from you Thursday last respecting their Answer of that Morning to your Message of the twenty-eighth Currant, beg leave to recur to what the Council and Representatives on the seventh Instant in great Truth and Sincerity among other things laid before your Excellency, viz. "They humbly apprehended that His Majesty's Service in the necessary Defence and Support of the Government and the Protection and Preservation of the Inhabitants thereof, the two great Ends proposed in the Power granted to this Court for the raising Taxes would be best answered without establishing a Salary."

Your Excellency was pleas'd to let us know, "That the Answer of the House contained no Reasons that appeared to You sufficient why His Majesty's Twenty-third Instruction might not be complied with, since the same Methods which are found no ways to prejudice the Rights and Liberties of the People of Great Britain, nor of other Colonies, cannot prejudice those of this Province." If the Method practis'd in Great Britain is not prejudicial to the Rights and Liberties of the People there, it does not therefore follow that fixing a Salary here will not prejudice the People of this Province, the British Constitution differing from ours in many respects, and other Colonies coming into any particular Method, we not knowing the motives inducing them thereto, nor the several Constitutions of Government they are put under, ought not to influence or prompt us to imitate them.

May it please your Excellency, 'This House being heartily desirous to cultivate a good Agreement and Harmony with Your Excellency, take this Opportunity to assure you, that we have once and again deliberately considered Your Messages for fixing a Salary, and do humbly conceive that it is against the good Design of the Powers vested and reposed by the Royal CHARTER to pass Acts pursuant to the Instruction laid before us, so far as passing such Acts (as we apprehend) has a direct tendency to weaken our happy Constitution; for that their late Majesties King WILLIAM and Queen MART, of glorious Memory, were graciously pleased to gratify the Inhabitants here, and did grant to them certain Powers

Powers Privileges and Franchises to be used and employed for the benefit
 of the People: And in the same Grant reserved other Powers to be used
 and exercised by the Crown, or the Governours sent by them, agreeable
 to the Directions and Instructions contained in the said Grant, and their
 Commissions having reference for their better guidance and direction to
 the several Powers and Authorities mentioned in the said CHARTER. If
 therefore the General Assembly should at any time come into any Act
 that might tend to infringe the Prerogative or disserve the Crown, His
 Majesty's Governours have a Negative Voice on all such Acts. Further-
 more, should any Governour incautiously give his Consent to such Acts
 His Majesty has reserved to Himself a power to disallow the same. But
 the use and exercise of the other Powers and Privileges being lodged
 in the General Assembly, His Majesty justly expects they will never
 make use of them in prejudice of the Rights and Liberties of the People,
 but at all times exert themselves in Defence thereof.

IF we resemble the *British Constitution*, as Your Excellency has done
 us the Honour to declare, we humbly apprehend that no part of the Le-
 gislature here should be intirely independent: As Your Excellency has very
 justly denoted to us that the three distinct Branches of the Legislature pre-
 served in a due Ballance forms the Excellency of the *British Constitution*;
 and if any of these Branches should become less able to support its own
 Dignity and Freedom, the whole must inevitably suffer by the Alteration.

YOUR Excellency is pleased to say, *That a Support given as has been usual*
here, cannot be Honourable, because it implies no sort of Confidence in the Govern-
ment. To this we would humbly offer, That if Your Excellency would
 take Notice of our Grants, you would see that the very Method it self is
 founded on nothing else, inasmuch as they always look forward, and are
 given to enable the Governour to go on and manage the publick Affairs:
 Thus in this our first Session at Your Excellency's desired and welcome
 Arrival, the Assembly made a Grant of *Fourteen Hundred Pounds* to enable
 Your Excellency to manage the Affairs of this Province, fully confiding in
 Your future Conduct. If Your Excellency intends that we do not put
 so much confidence in the Governour as the Parliament do in our most
 Gracious Sovereign, to whom the Civil List is granted for His Life
 (which GOD long preserve) we freely acknowledge it. Is it reasonable
 or possible that we should confide in any Governour whatsoever so much
 as in our most Gracious KING the common Father of all his Subjects?
 who is known to delight in nothing so much as their Happiness, and
 whose Interest and Glory, and that of his Royal Progeny, are insepara-
 ble from the prosperity and welfare of his People; Whereas it is most
 obvious that commonly neither the Prosperity nor Adversity of a People
 affect a Governour's Interest at all, when he has once left them.

YOUR

they have so long been safe and flourishing, are the most likely to produce the same Effect elsewhere. But you say, *the British Constitution differs from yours in many respects*; I take the chief difference to have been in the use made of the Constitution, which has been no ways to your advantage; For by *Great Britain's* keeping up to their Constitution, publick Credit still continues at the Height notwithstanding the vast Charges and Debts of the Nation, but with you Credit has fallen lower and lower in an amazing manner; and this has proceeded plainly from the want of a sufficient Check in the other Branches of the Legislature to the sudden and unadvised measures of former Assemblies. So that if ever you hope to come near the Happiness of *Great Britain*, it must be by supporting those parts of the Legislature which have of late been too much depress'd, but are in themselves necessary to guard the Liberties and Properties of the Inhabitants as well as the House of Representatives.

AS to the case of other Plantations, I shall only say, that if you enjoy larger Privileges by the Favour of the Crown than they, and by consequence have more to loose by His Majesty's Displeasure, the Arguments both of Gratitude and Interest plead stronger with you for a compliance with an Instruction in it self so just and reasonable.

I cannot see why you apprehend, *That passing Acts pursuant to the Instruction has a direct tendency to weaken your happy Constitution*; especially since you now acknowlege what I had formerly observed, *That each Branch of the Legislature (and consequently the Governour) ought to be enabled to support his own Dignity and Freedom*; which is all that is intended by the Instruction.

I had observed, *that the usual way of supporting this Government implied no sort of Confidence in the Governour. Upon this you offer, That if I would take notice of your Grants, I would see that the very method it self is founded on nothing else, inasmuch as they always look forward, and are given to enable the Governour to go on and manage the publick Affairs.* I can scarce believe that this is intended for a serious Argument, since a time no longer ago than last Winter Session affords a plain proof to the contrary: The Lieut. Governour informed the House, *In Answer to their Message expressing a desire of an Adjournment, that he had consented to all the Acts & Votes pass'd by the two Houses, except the Bill of Emitting Bills of Credit, which He would have signed were it consistent with His Majesty's Instruction, which it was not in the Opinion of the Council;* and he concludes with reminding them, *That the proper and usual Season for granting Salaries is already outrun, and that he expects they will provide for the honourable Support of the Government before they rise. The House enter'd into the Consideration of the above Message, and some Debate had thereon, The Question was put, Whether the House will now come into the Consideration of Allowances? It pass'd in the Negative. Then the Question was put, Whether the Consideration*
of

of Allowances shall be referred to the next Session of this Court? Resolved in the Affirmative. In this manner was this method of Grants that always look forward, brought to look directly upon the present business in order to compel a Compliance; or if you like that better, to look backward by way of punishment for a Denial; and so the publick Affairs were left to manage themselves for any care that was taken of them.

YOUR next Observation is not one jot a juster Representation of the Case before you; you say you are not for fixing a Salary because it is not reasonable or possible that you should confide in any Governour whatsoever as much as in our most gracious KING. As if this Instruction to demand a Salary came from a Governour and not from His Majesty himself, or as if the Salary was to be given directly to a Governour and not to His Majesty for the use of His Governour or Commander in Chief for the time being, or as if upon just Complaint His Majesty could not or would not remove an ill Governour; and in short, as if your doing the thing would not be altogether upon confidence in His Majesty and not in any Governour whatsoever. The words of respect here used to His Majesty come with a very ill Grace, and have not that Gravity in them, which would be more becoming, since in the same breath you are disregarding His own Demand and undervaluing His Favour, and making light of His Declaration, *That if you do not pay an immediate Regard to His Instruction He will look upon it as a manifest Mark of your Undutiful Behaviour to Himself.* You carry on the same kind of reasoning to the end of your Paper, which seems much better adapted to amuse than to prove any thing.

IN the first place you make a very pompous Representation of the Governour's Authority, and of the great dependance the other parts of the General Court have on his discretionary Power, and call his Support the single Instance in which he has some dependance on the Assembly; and just after you cast an odious Aspersions on an undoubted Branch of the Power lodged with a Governour, which is to keep the General Court together as long as he thinks the publick Affairs require it. I am at a loss to know whether your Insinuation, that I keep you here in order to compel you to act contrary to your native Freedom and declared Judgment, be more injurious to me or to your selves, You seem to allow the Governour's Powers only so far as he uses them according to your Pleasure: But in using your own Powers you take it very ill to be directed by any body.

YOU said before, *That the other Things which the House depend on a Governour for are so vastly more than a counter-balance to his Support (you might have said Subsistence and then the Irony would have appeared more openly) That (say you) it cannot be thought that the Commander in Chief can be thereby prevented acting*

acting according to his Judgment, or remain without Support: As if you were ignorant of the aforementioned Proceedings of last Winter; and yet you are very ready to think, That to keep you sitting here is a Compulsion on you to act contrary to your native Freedom and declared Judgment, and so betray the great Trust your Principals have reposed in you. But I perswade my self that your Faithfulness to your Country puts you above any such Temptations.

AND as I am still of Opinion that you have acted upon mistaken Notions, I cannot give over the Hopes of your coming to see things in that true Light, in which I flatter my self that I have stated the Point in Question: And as I am disposed to gratify you as far as is consistent with my Duty and my Honour, I hope you will consider what advances you can make towards a Compliance, that so the present Session may not be a needless Burthen to the People, but still have a good issue to His Majesty's and the Country's Service.

W. BURNET.

September 2d. 1728.

Read.

His Excellency's Message read again, and the House debated thereon, and after full Consideration being had, The Question was put, *Whether the House will take under Consideration the settling a temporary Salary upon the Governour or Commander in Chief for the time being?* It pass'd in the Negative.

Then the Question was put, *Whether the House with Safety to the People they represent can come into any other Method for Supporting the Governour or Commander in Chief for the time being, than what has been heretofore practiced?* It pass'd in the Negative,

September 4th.

Voted, That Mr. Cooke, Mr. Wright, Mr. Remington, Mr. Shove, Capt. Goddard, Col. Gorham, Major Chandler, Capt. Atkin, Mr. Bunker, and Mr. Gunn, wait on His Excellency the Governour with the following Message, viz.

Inasmuch as in the forenoon the House sent your Excellency their Resolutions respecting a fixed Salary, and the manner of supporting a Governour, and having nothing more recommended to them, do therefore renew their Desire that the Court may rise if Your Excellency pleases; being still ready to give Your Excellency an Ample and Honourable support in the usual way if Your Excellency thinks meet to accept thereof.

Who returned they had delivered the Message, and His Excellency said, And here is my Answer thereto; which the Committee laid on the Table, and is in these Words, viz.

Gentle-

Gentlemen of the House of Representatives,

I have already informed you, that my Duty to His Majesty will not permit me to agree to a Recess 'till His Instruction is complied with. I have given you my Reasons why I think so, and I have answered all your Objections: I can only again assure you, that unless His Majesty's Pleasure has its due weight with you, your Desires will have very little with Me.

September 4th. 1728.

W. BURNET.

Read.

7th. Voted, That Mr. Cooke, Mr. Lewis, Capt. Goddard, Mr. Remington, Capt. Eastwick, Mr. Wright, Mr. Welles, Mr. Wainwright, and Mr. Burrell, be a Committee to project and draw up what may be necessary to advise the several Towns in this Province, how far the Court has proceeded in the matter of a Salary to the Governour, and make Report to this House as soon as may be.

Nathaniel Byfield, John Cushing and Adam Winthrop Esqrs; brought down the following Vote of Council, viz. In Council Sept. 6th. 1728. Upon Consideration of the several Messages pass'd between His Excellency the Governour and the Honourable House of Representatives respecting the Settlement of a Salary on the Governour, in the issue of which Affair the Interest and Welfare of the Province is so deeply concerned, and from an earnest desire by all just and proper ways consistent with the Privileges of this People to recommend them to the Continuance of His Majesty's Royal Grace and Favour, and to bring this Session (which has been already so long and expensive) to a good Conclusion, Voted, That it is expedient for this Court now to ascertain a Sum as a Salary for His Excellency's Support, as also the Term of Time for the continuance of the same. Sent down for Concurrence, Which accompanied a Message that the Board had sent in for all their absent Members, and that they desired the House would also send in for their Members, that so there may be a full House when they enter into the Consideration of the above Vote.

Read, and after some Debate being had, the Question was put, *Whether the Consideration of the above Vote shall be referred?* It pass'd in the Negative, and Voted a Non Concurrence with the Honourable Board.

11th. Mr. Cooke from the Committee appointed the 27th Currant, to project and draw up what may be necessary to advise the Towns how far the Court has proceeded in the Matter of a Salary to the Governour, reported, which was Read and Debated, and Voted an Acceptance thereof, and is as follows, viz.

WHEREAS His Excellency the Governour at the opening of this present Session, laid before this Court His Majesty's 23d. Instruction which relates to a stated Salary instead of the ordinary Allowances which by the former Method and Practice of this Court, has been from time to time made for the Support of the Governour (which Instruction is entered at large in the Journal of this House, p. 2.) The House after Consideration had thereon, proceeded in their usual way of an Allowance, and granted the Sum of Seventeen Hundred Pounds to His Excellency the Governour, to enable

enable him to manage the publick Affairs of the Government, and defrey his Charge in coming here; assuring His Excellency, that although the House had not fixed a stated Salary for his Excellency, yet that an ample and honourable Allowance would from time to time be made to enable him to manage the publick Affairs, and that the said Grant was made as an earnest thereof, (p. 6.) His Excellency in his Message to the House (p. 11.) informed them, that he was utterly disabled from consenting to the Resolve for that Grant; it being contrary to His Majesty's Instruction: Whereupon the House chose a Committee to join with a Committee of the Honourable Board to prepare a proper Answer to the said Message; and pursuant to a Message from the Board, as entred (p. 11.) purporting, that they had not yet passed upon the Report of the Committee in Answer to his Excellency's Message, apprehending it necessary even from the tenour of the said Report, for this Court to make a new Grant, the former Grant not having been accepted, The House proceeded to Resolve, That the Sum of *Fourteen Hundred Pounds* be paid to his Excellency the Governour, to enable him to manage the Affairs of the Government, and the Sum of *Three Hundred Pounds* to defrey his Charges in coming, and chose a Committee to consider the Report of the Committee on His Excellency's Message to both Houses, with the Vote of the Honourable Board (p. 22) who reported thereon, as entred (p. 23.) assuring His Excellency of the readiness of this Court to improve the Powers vested in them by the Royal *CHARTER* of imposing and levying proportionable and reasonable Rates and Taxes, and disposing of the same in providing for His Ample and honourable Support, and praying His Excellency's Acceptance of the Grant then made and therewith presented, which Report was accepted by the House, and together with the two Votes, viz. *Fourteen Hundred and Three Hundred Pounds* was sent up for Concurrence; His Excellency returned an Answer (p. 28,) declaring that a Support given in such a precarious manner as has been usual here could not possibly be Honourable because it implied no sort of Confidence in the Governour, and made the support of it visibly depend on an entire Compliance with every thing demanded by the other Branches of the Legislature, &c. and that he could never accept of a Grant of this kind: Upon which a Committee of both Houses was appointed to consider and report on His Excellency's Message, who reported thereon (as entred p. 31, 32, 33.) therein alledging, that the *CHARTER* impowers the General Assembly to raise Money for the Support of the Government according to such wholesome and reasonable Laws as they should judge to be for the good and welfare of the Province, and that it was against the Design of the Power so vested in them for the Court to pass any Acts pursuant to that Instruction, apprehending that the passing of such Acts had a direct tendency to weaken if not destroy our happy Constitution, by our giving away the great and almost only Privilege that gives Weight to the House of Representatives,

tives, which is the making Grants of Money as the exigence of Affairs requires; which Report was accepted by the House but not by the Board. The Vote of the Board for Non-acceptance of the said Report was accompanied with a Draft of an Answer to His Excellency's Message, sent down for Concurrence, (p. 38.) which Draft altho' it recites the Opinion of the Board that the great End proposed in the Power granted by the Royal CHARTER would be best answered without establishing a fixed Salary, yet the House apprehending that the said Draft was in many respects deficient did non-cur the same, and then proceeded to put the Question with a Preamble (p. 35.) *Whether passing an Act for fixing a Salary on the Governour or Commander in Chief for the time being would not be hurtful to the Inhabitants of this Province, and therefore contrary to the plain End and Design of the Power vested in them by the Royal CHARTER which is to make wholesome and reasonable Orders and Laws as they shall judge to be for the good and welfare of the Province?* Which was Resolved in the Affirmative, and sent up for Concurrence, and was sent down again with a Message from the Board that they thought it improper and unsafe to pass on the Question, for that it was not only expressed in doubtful Terms, but the method of Resolving matters of such a Nature by answering Questions is inconvenient and altogether new and without precedent, (p. 38) The House then passed it into a Vote, viz. That passing such an Act will be dangerous to the Inhabitants of this Province, &c. which they sent up for Concurrence. The Board Non-cur'd the Vote, adding that they apprehended that a Salary might be granted for a certain time to His Excellency our present Governour without danger to the Province (38 *aforsaid*) The House ordered that a Conference should be had with the Honourable Board on the subject matter of the said Vote (p. 39.) which was attended, and the House observing that it was alledged by the Board that they could not concur in said Vote, in as much as it was said in the Preamble thereof that the Council and Representatives had granted an ample and honourable Support for the Governour, which the Board could not say because it was not expressed for what time the Sum was granted; thereupon being returned to their own Chamber, the House sent up the Vote for Concurrence leaving out the Preamble (p. 41.) The Board sent down the Vote concur'd with the Amendment (p. 42.) which with the said Amendment stands thus, Voted, *That the passing an Act for fixing a Salary on the Governour or Commander in Chief without Limitation of time may prove of ill Consequence to this Province:* Which was read and non-concur'd, and the House adher'd to their own Vote, and sent it up for Concurrence, (p. 43.) The Board Non-concur'd the Vote of the House and insisted on their own Vote. The House having passed a Resolve for the Supply of the Treasury sent a Message to His Excellency desiring that they might rise (p. 47.) His Excellency signified in Answer thereto, that He could not agree to a Recess till His Majesty's

Majesty's 23^d. Instruction was complied with (p. 47.) The House made Reply (p. 49.) renewing their desire to Rise, His Excellency sent a Message urging a Compliance (p. 50.) The House sent a Message to His Excellency expressing the Reasons why they could not in Faithfulness to their Country come into a fixed Salary, ardently moving that they might be permitted to return to their several homes (p. 52, 53.) His Excellency sent a Message in Reply (p. 55, 56, 57.) in the Conclusion whereof he put the House upon considering what advances they could make towards a Compliance. His Excellency's Message being read and debated on, The Question was put, *Whether the House would take under Consideration the settling a temporary Salary?* and it pass'd in the Negative. And then the Question was put, *Whether the House with safety to the People they represent could come into any other Method for supporting the Governour than what had been heretofore practised?* It pass'd in the Negative, (p. 58.) The House renewed their desire to Rise, and received His Excellency's Answer, assuring them that unless His Majesty's Pleasure had its due Weight with them, their Desires would have very little with Him, (p. 59.) On Saturday the Honourable Board sent down for Concurrence a Vote of Council that it was expedient for this Court now to ascertain a Sum or Salary for His Excellency's Support, as also the term of Time for the Continuance of the same (p. 62.) which was Non-concur'd.

NOW although we have after the best manner we are capable of thinking or acting for the publick Good come into the many Votes and Resolutions before-mentioned, and with a pure and sincere desire aimed at the Weal and Prosperity of this Province, and are still fully of the same mind, yet whereas several Members have desired to know the Minds of their Principals, therefore this House to prevent any Misrepresentations that may be made to the several Towns in this Province have concluded upon this Account of the Proceedings in this Affair and the Reasons and Grounds thereof to be transmitted to the several Towns by their Representatives, if they see cause, from whence it may plainly appear that we dare neither come into an Act for fixing a Salary on the Governour for ever, nor for a limited time, *viz.*

1. Because it is an untrodden Path which neither we nor our Predecessors have gone in, and we cannot certainly foresee the many Dangers there may be in it, and we must depart from that Way which has been found safe and comfortable.

2. Because it is the undoubted Right of all *Englishmen* by *Magna Charta* to raise and dispose of the Moneys for the publick Service of their own free accord without any Compulsion.

3. Be-

3. Because this must necessarily lessen the Dignity and Freedom of the House of Representatives in making Acts and raising and applying Taxes, &c. and consequently cannot be thought a proper Method to preserve that Balance in the three Branches of the Legislature, which seems necessary to form maintain and uphold our Constitution.

4. Because the CHARTER fully impowers the General Assembly to make such Laws and Orders as they judge for the good and welfare of the Inhabitants; and if they or any part of them judge this not to be for their good, they neither ought nor can come into it: For, as to act beyond or without the Powers granted in the CHARTER, might justly incur the King's displeasure; so not to act up and agreeable to those Powers, might justly be deem'd a betraying the Rights and Privileges therein granted. Moreover, if we should now give up this Right, we shall open a Door to many other Inconveniencies.

September 12. 1728.

A Message from His Excellency the Governour by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

A S I am desirous to give you all the Information I can to prevent your going into Measures that may hurt the People whom you represent, I thought it not improper to lay before you an Extract out of a publick Letter written by Mr. Agent Dummer on the tenth of March 1722, which is in the words following,

— “ I Have something to communicate from my Lord Carteret who is one of His Majesties Principal Secretaries of State, and has the Care of the Plantations within His Province. I beg leave therefore to acquaint the General Court by you, That I waited on that Minister to engage his good Offices in behalf of our CHARTER, against which I had sufficient reason to believe some Designs were then forming, and that his Lordship having first assured me, that there would be no proceedings against us for the present, and that in general neither the King nor any of his Ministers, had any Inclination to violate our Priviledges; I say, having given me these assurances, He then desired me to write to the Assembly, that they would so behave themselves for the future as not to provoke the Government to bring the matter of their

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“ CHARTER before the Parliament ; for if they did he said, ’twas
 “ his Opinion that it would be Dissolved without Opposition : His
 “ Lordship was pleas’d to give me for an Example an Instance of
 “ what had lately happen’d in relation to the Right of Judicature
 “ claim’d by the House of Lords in *Ireland*, which they had long
 “ been possess’d of, without admitting any Appeal from their De-
 “ crees to the House of Lords here, but upon some Offence, which
 “ they had lately given, a Bill was brought into the House to annul
 “ that Right. It was Entitled, *A Bill for better securing the De-*
 “ *pendance of Ireland on the Crown of Great Britain* ; And it pass’d
 “ without a Division : This His Lordship said would be our Fate on
 “ the like Occasion. I told His Lordship, that His Majesty’s Sub-
 “ jects in *New-England* were a virtuous industrious People, and uni-
 “ versally loyal, and that as they first settled those Parts on the
 “ Foundation of their CHARTER ; so the Happiness they enjoy’d
 “ by it was a great Encouragement to their Industry, and therefore
 “ I could not but hope they would never be deprived of it. His
 “ Lordship answer’d in a very obliging manner, That he really be-
 “ liev’d we were in the main that good People I had represented,
 “ but then made this advantage of it, that it was the more grievous
 “ to the Government here to receive ill Treatment from those who
 “ were in other respects so dutiful and loyal to His Majesty. I
 “ prayed His Lordship to instance in what we offended, and was an-
 “ swered, That we denied the Right of the Crown to the Woods,
 “ That we invaded the Prerogative in refusing the Governour’s Ne-
 “ gative Power, tho’ settled and vested in Him by CHARTER,
 “ That by several Votes and Resolutions of the lower House printed
 “ in their Journals, we shew’d an Inclination to be independent of
 “ the Administration here, That we treated the King’s Commands
 “ as waste Paper, particularly in not settling a proper Salary on our
 “ Governours, which the rest of the King’s Provinces had done, and
 “ which had been often and earnestly recommended to us by the
 “ Crown. And to these things His Lordship added, that we treated
 “ Col. SHUTE the King’s Representative with great Contempt,
 “ notwithstanding we could not reasonably expect a better Gover-
 “ nour unless we intended to nominate one our selves. These were
 “ the Matters which His Lordship chiefly insisted upon ; to all
 “ which

" which I made the best Answers I was able, especially as to the
 " two Articles of the Right of the Woods, and the appointment of
 " a Speaker : In both which I always thought and do still think
 " that the Assembly may be justified ; yet I hope I shall be pardon'd
 " if I say from the long Experience I have had in your Affairs, that
 " when we are never so much in the Right it is our true Interest
 " to defend that Right with Modesty and conduct it with Prudence.
 " For a Conclusion His Lordship was pleas'd to say, If I were able
 " to acquit the Assembly of any evil Intentions and wilful Faults ;
 " yet they were at least chargeable with great Imprudences : And
 " then desir'd me again to recommend to them for their own Sakes a
 " more discreet Conduct. ———

*I hope you will weigh the several Particulars here mentioned, and take
 effectual Care that your Proceedings may give no room to apprehend the
 like Danger at this Time.*

W. BURNET.

Sept. 11th. 1728.

Read.

September 17. 1728.

A Message from His Excellency the Governour, by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

I Thought it proper to delay answering your Message of the 12th. In-
 stant, in which you desired to Rise that you might advise with your Towns,
 till I had seen the Draught which you had accepted as what might be necessary
 to advise the Towns how far the Court had proceeded in the matter of a Salary to
 the Governour ; for by your Vote of the 7th. appointing a Committee to
 draw it up, you seem to allow that your own going home would be need-
 less, since you resolv'd to transmit to them what might be necessary, and since
 upon that they might if they pleas'd send you Directions how to act for
 them. But you have now carried the thing much further, for you con-
 clude, that you dare neither come into an Act for fixing a Salary on the Governour
 for ever, nor for a limited time, what then can it signify to know the minds of
 your Principals and advise with your Towns since you dare not take their Advice,
 if it should differ from your own Opinion, all your meaning therefore can
 only be that you would go home to give Advice to your Towns, but that
 you

you are fully resolved to take none from them, which is not a very respectful Treatment of those who have chosen you to represent them: You say, *That the House to prevent any Misrepresentations, that may be made to the several Towns in this Province, have concluded upon this Account of the Proceedings in this Affair, and of the Grounds and Reasons thereof;* It were to be wished you had pursued this Design impartially, instead of which you have set forth the strength of the Argument on one side and concealed it on the other, so that your Account can only serve to mis-inform those who rely upon it, and this the generality of People in the Country will naturally do, if they are not warned of their Danger of being misled, for it cannot be supposed that they will have the time or take the pains to compare it with the Pages of the Votes as they are cited, but will of course expect that you have taken all that is material out of them. Now as this has not been done, I thought my self obliged in Justice to the publick, to point out the defects and mistakes of this Account, and to set the matter once more in a true Light, that as you have found your selves at a loss to give any Reply to my long Message of the 3^d. Instant, you may have as little success in your design of filling the minds of the People with the same wrong Notions, which have already been and are so easy to be confuted. In the very beginning you omit taking any notice at all of my SPEECH in which I observed, *That Parliaments had made it a Custom to grant the Civil List to the King for Life, and that the same Maxims that made Great Britain shine would make you flourish.*

YOU begin with His Majesty's 23^d. Instruction (p. 2.) where you omit mentioning, *That His Majesty had declared your Compliance necessary to preserve his favour and your not shewing an immediate regard to his Pleasure therein an undutiful Behaviour, which would oblige Him to lay the Affair before the Legislature at home, but when you come to your own first Resolve (p. 6.) to grant l. 1700, you insert it at length and almost word for word;* then again when you come to my Message (p. 11.) you only say that *I informed you that I was utterly disabled from consenting to the Resolve of that Grant, it being contrary to His Majesty's Instruction, but you should have mentioned my Reason, because it was the very thing against which this Instruction was levelled, as done in order to keep the Governour the more dependent on the Council and Representatives;* just after you give a very particular Account of your Proceedings with the Council and your second Grant, and your Message with it, (p. 18, 22, 23.) and then you give a short account of the Allegations of my Message (p. 28.) omitting what I insisted on to support and prove them, viz. *That Gentlemen knew in their Consciences that the Allowances for the Governour's Salary had been kept back till other Bills of moment had been consented to;* you had once put off this Charge with a turn as if Salaries always looked forward, but as I have since shewn this to be plainly contrary

to

to the proceedings of last Winter, you now very prudently say nothing at all about it, nor what gave Occasion to it. The next thing you mention is a Draught of your own (p. 31, 32, 33.) which was never offered to me, and consequently not answered, and therefore you find it convenient to give some account of it in this place; whereas you say but a word or two of a like Paper delivered to me afterwards (p. 52, 53.) which contains much the same matter with this Draught, and not one word of the Contents of my Reply to it (p. 55, 56, 57.) except something of the Conclusion, which Reply was so full that you have thought fit to drop the Dispute upon it; and so that you might mention your own Arguments without being discover'd to conceal my Answers, you bring them in only on this formal Occasion, but I will restore them to their proper place, and go on in order to observe, that you give all the particulars of a Dispute you had with the Council at full length, (p. 35, 38, 39, 41, 42, 43.) and then at once grow very short again when you come to mention any thing that came from me; you just say of my Answer to your Message (p. 47.) *that I signified I could not agree to a Recess till His Majesty's 23d. Instruction was complied with,* without mentioning a very short and strong Reason which I had given for it, *because I should thereby make your immediate Regard to His Majesty's Pleasure impossible;* then you run over your Reply (p. 49.) and my Message (p. 50.) and your Message with Reasons (p. 52, 53.) and my Reply (p. 55, 56, 57.) with such precipitation, (tho' the last were the two longest Papers that had passed between us) that one would think you were unwilling to have them read and considered, which, as it has a quite different effect with me I am willing to stop a little where you are so much in a hurry, and shew in this place that all that you mentioned before out of your draught (p. 31, 32, 33.) is sufficiently answered in a few words of my Reply (p. 55, 56, 57.) as follows, *I cannot see why you apprehend that passing Acts pursuant to the Instruction has a direct tendency to weaken your happy Constitution, especially since you now acknowledge what I had formerly observed, that each Branch of the Legislature (and consequently the Governour) ought to be enabled to support his own Dignity and Freedom, which is all that is intended by the Instruction.* After that you are got beyond this long Reply of mine, which you make so much haste to pass by, then you are at leisure to give an ample Account of your own proceedings, (p. 58.) and afterwards of the latter part of my Answer (p. 59.) which you insert at length, but think proper to say nothing of the beginning of it, where I informed you *that I thought my Duty would not permit me to agree to a Recess,* and where I make a kind of Appeal to you by saying *that I had given you my Reasons and answered all your Objections;* to which you never replied, and yet you seem not to desire that the Country should know that the Dispute remains in such a state as will incline every impartial Person to believe that I have Truth and Justice on my side. You finish your Narrative with mentioning your last difference

difference with the Council (p. 62.) and then although you had already brought together every Circumstance that you thought made for you, and omitted what seemed to make most strongly against you: You seem still apprehensive that People may not be enough prejudiced in your Favour, and therefore you conclude all with four Reasons at length, which contain the substance of your former Allegations, as if they were unanswerable, or at least had never been answered; whereas in Fact I had given a sufficient Reply to every thing contained in them, and therefore it would have been no more than a piece of Justice to me, to have set down the substance of my Answers as fully as the Reasons themselves, but since that is not done as I might have expected, I think it necessary to do it my self in the fairest manner, by first repeating your *Grounds and Reasons* word for word, from whence you say it may plainly appear, that you dare neither come into an Act for fixing a Salary on the Governour for ever, nor for a limited time.

1. BECAUSE it is an untrodden path which neither you nor your Predecessors have gone in, and you cannot certainly foresee the many dangers there may be in it, and you must depart from that way which has been found safe and comfortable.

In answer to this I have already shewn (p. 50) that the same methods which are found no ways to prejudice the Rights and Liberties of the People of Great Britain nor of other Colonies, cannot cannot prejudice those of this Province; and again upon your replying, That the British Constitution differ'd from yours in many respects, I said, (p. 56.) That I took the chief Difference to have been in the use made of the Constitution, which has been no ways to your Advantage, for by Great Britain's keeping up to the Constitution, publick Credit still continues at the height, notwithstanding the vast Charges and Debts of the Nation; but with you Credit has fallen lower and lower in an amazing manner, and this has proceeded plainly from the want of a sufficient Check in the other Branches of the Legislature to the sudden and unadvised Measures of former Assemblies. By this you might have seen how safe and comfortable your way of granting Allowances so as to keep the Governour dependent has been, since it produced nothing less than the Fall of publick Credit. But since you seem not to be satisfied with what has been observed against your first Reason, I must remind you that your lessening Governour SHUTE's Salary in pursuance of this Way of making Allowances as you please from time to time, was no slender Motive of his going home, and complaining of the divers Incroachments on the King's Prerogative committed by the House of Representatives, and that upon a Hearing of Seven Articles of his Charge, the Council for the House of Representatives expressly declared, that they did not insist upon, or claim on the behalf of the House of Representatives any Right or Authority in the Matters charged upon them by the 1st, 3^d, 5th, 6th and 7th. And that His late Majesty in Council ordered an Explanatory Charter to be granted upon the 2^d. and 4th. Articles, with this Conclusion,

tion, That if such Explanatory Charter shall not be accepted, and a just regard shewed to His Majesty's Royal Prerogative by the House of Representatives for the future in all the Particulars aforesaid, it may be proper for the Consideration of the Legislature what further Provision may be necessary to support and preserve His Majesty's just Authority in this Province, and prevent such presumptuous Invasions for the future: So safe was your Way, that it help'd in a great measure to bring this Complaint upon the House, which ended in obliging those who appeared for you to a confession to many of your illegal Proceedings, and in putting you under a necessity of accepting an Explanatory Charter, that your former One might not be brought into Parliament, where Mr. Agent Dummer's Letter, which I sent to you on the 12th. Instant shews plainly enough, what Fate it was like to have undergone. What Comfort this Way may have given to those then employed by the Country I shall not determine, but all the Comfort the People had from it was an immense Charge without succeeding in any one particular. I hope by this time I have sufficiently shewn, how safe and comfortable your usual Way had been.

I come now to your 2d. Reason.

2dly. BECAUSE it is the undoubted Right of all Englishmen by Magna Charta to raise and dispose of Moneys for the publick Service of their own free accord without Compulsion.

To this it has been answered, (p. 28.) That the Right of Englishmen can never entitle them to act in a wrong manner, and therefore the Privilege in your CHARTER to raise Money for the support of the Government, is therein expressed to be by wholesome and reasonable Laws and Directions, and consequently not by such as are hurtful to the British Constitution, and that by your usual way the Governour must either be deprived of the undoubted Right of an Englishman, which is to act according to his Judgment, or the Government must remain without Support; and again (p. 56.) I produced to you an undeniable Instance of the House's making use of this way last Winter in order to compel the Lieut. Governour to a Compliance, so that I have proved that you have done the very thing you here complain of. But I may again call upon you to shew where the Compulsion lies: Is waiting with patience till you shew a due Regard to His Majesty's Pleasure any Compulsion? Is not His Majesty's Favour free to be continued or withdrawn as well as you are free to raise or not to raise Money? And is not the Governour as free to keep the Court setting or not as he judges proper? But I must repeat to you what I observed to you before (p. 57.) That you seem to allow the Governour's Powers only so far as he uses them according to your Pleasure, but in using your own Powers you take it very ill to be directed by any Body.

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Your 3d. Reason is,

3dly. BECAUSE this must needs lessen the Dignity and Freedom of the House of Representatives in making Acts and raising and applying Taxes, &c. and consequently cannot be thought a proper Method to preserve that Balance in the three Branches of the Legislature which seems necessary to form maintain and uphold your Constitution.

IN Answer to this I have already observed (p. 56.) That the Fall of Credit here has proceeded from the want of a sufficient Check in the other Branches of the Legislature to the sudden and unadvised Measures of former Assemblies, so that if ever you hope to come near the Happiness of Great Britain, it must be by supporting those parts of the Legislature which of late have been too much depressed, but are in themselves necessary to guard the Liberties and Properties of the Inhabitants as well as the House of Representatives. I have shewn (p. 57.) that you cannot be in earnest when you say, that other things which depend on a Governour are vastly more than a Counter-balance to his Support or Subsistence, and just after you cast an odious Aspersions on an undoubted Branch of the Power lodged with the Governour, which is to keep the Court together as long as he thinks the publick Affairs require it. I will only add now that all the World will think it very odd in you to talk of the Danger of not preserving the Balance in the three Branches of the Legislature while you have a majority of three to one in the Choice of the Council, and while you leave but Five Hundred Pounds to be disposed of by the Governour and Council during a Recess.

Your 4th Reason is,

4thly. BECAUSE the CHARTER fully impowers the General Assembly to make such Laws and Orders as they shall judge for the good and welfare of the Inhabitants, and if they or any part of them judge this not to be for their good, they neither ought nor can come into it: for as to act beyond or without the Powers granted in the CHARTER might justly incur the Kings Displeasure, so not to act up and agreeable to those Powers, might justly be deemed a betraying the Rights and Privileges therein granted. Moreover, if you should now give up this Right, you should open a Door to many other Inconveniencies.

IN Answer to this I must remind you, that I observed (p. 57.) That as I was still of Opinion that as you have acted upon mistaken Notions, I could not give over hopes of your coming to see things in that true Light in which I flatter myself I had stated the Point in Question. I may again renew my Appeal, whether I have not answered all your Objections, and if so, then how can I think that you have reason to judge the fixing a Salary not to be for your good? a bare Assertion of that kind without proof can go for nothing with the publick, and it must always be supposed that any stiffness that has no real Foundation will go off in time. But to cut off all pretence as if the Granting
what

what is now proposed were against the Powers of your CHARTER, I will set down the words of the Statute of the 25th. of Edward the first, King of England, Chap. 6. Entitled a Confirmation of the Great Charter, *That for no Business from henceforth we shall take such manner of Aids, Tasks nor Prices, but by the common assent of the Realm, and for the common Profit thereof, saving the ancient Aids and Prices due and accustomed.* I will likewise set down the words of the Statute of the 34th. of the same King, Chap. 1. which was Enacted to make the former more full and certain — *No Talliage or Aids shall be taken or levied by Us or Our Heirs in Our Realm without the good will and assent of Arch-Bishops, Bishops, Earles, Barons, Knights, Burgeses, and other Freemen of the Land.* These Clauses of Acts of Parliament are as strong at least as any words in your Charter, which gives no Power of raising and disposing of Money greater than those of all Englishmen, and yet I defy you to shew that these Acts of Parliament or any other were ever pretended to be an Objection against granting to the King a Revenue for Life, which appears to have been done, and much more time out of mind by the Preamble of the first of James the first, Chap. 33. which is too long to be inserted in this place, but where you will find that the same Dutys of Tunnage and Poudage that had been granted to Henry the 7th. Henry the 8th. Edward the 6th. Queen Mary, Queen Elizabeth, and other the King's Progenitors, Kings of England, were given to King James the first, *To have, take, enjoy and perceive the Subsidies aforesaid and every of them, and every part and parcel of them to the Kings Majesty during his Life natural.* So that it is a mere Invention without any ground to say, that a Charter to grant Moneys is any reason against granting them either for a limited or unlimited time. And since this is now so fully proved I hope you will no longer be amused with so wrong a Notion.

YOUR last Observation of the many other Inconveniencies to which a Door will be opened, cannot be answered 'till it is explained what those Inconveniencies are, and it looks as if at the very end of your Paper you felt the Imperfections of it, since you are reduced to call for Help from what you have not mentioned, and which I may justly believe to be of no more force than what you have.

W. BURNET.

September 17th. 1728.

Read.

K

September

September 20. 1728.

Mr. Welles from the Committee appointed the 18th. Carrant, to consider His Excellency's Message of the 17th. made report according to Order, which he read in his place, and then laid it on the Table, and the House having considered it, Voted an Acceptance thereof: Which is as follows, *viz.*

May it please your Excellency,

AS the House of Representatives in the beginning of this long Session, assured You, that it should be their Endeavour that *your Continuance here, might be easy and comfortable*; so since Your desire of a fixed Salary has been under Consideration, we have always been careful that our Consultations and Conclusions thereabout, might be managed in the most decent and respectful manner; chusing to say less than the Subject will bear, and no more, than what the Nature of the thing and Faithfulness to the People required; lest by a too close and critical disquisition of this matter, something should drop that might be offensive, and interrupt that Harmony and good Understanding between Your Excellency and this House, which is so conducive to Your Ease, so necessary to the publick Good, and so very much desired and valued by Us; for this cause it was that this House declined being any thing particular, as to the Reasons they were influenced by, in their Determinations upon this Point, 'till Your Excellency called upon us for them, and offered several Considerations to move us, to what Your Excellency knew, we had divers times before, concluded against; and when we were thus (as it were) necessitated to descend into particulars, we carefully avoided every thing that could have any appearance of irritation; and were concerned to shorten and contract, not to enlarge on our Reasons, in our Message of *August 31st*. And having once offered some particular Reasons of our determination upon this Head, we concluded not to make a Reply to Your Excellency's Message of *September 2^d*. not because, there was not a great deal of room for it, and several things moving to it, but because we could not have taken notice of some parts where Your Excellency seemed *inclined to be so diverting*, without using a freedom, we thought, would be neither acceptable to Your Excellency nor honourable for Us, and as to other parts, we were willing they should appear in their full strength and be left to the Judgment of every impartial Reader: And we are of the same Opinion concerning Your Excellency's Message of the 17th. Instant, and should be equally silent, but that we observe Your Excellency takes occasion from it, to say, *that it was because we found our selves at a loss to give any Reply*. And we would now before we enter upon it, beg Your Excellency's candid Construction and Acceptance of what we shall offer, and Liberty, since You incite us so much to it, to speak our thoughts freely upon Your Excellency's last Message.

YOUR

YOUR Excellency begins with taking notice of an Inconsistency between our Desire of a Liberty of rising and going to our several Towns, and our Vote of the 7th. Instant, for appointing a Committee to draw up, what might be necessary to advise the Towns, how far we had proceed in the matter of a Salary for the Governour, SINCE WE RESOLVED TO TRANSMIT TO THEM WHAT MIGHT BE NECESSARY. To this we would humbly say, that we never Resolved that such an Account should be sent, but only to prevent Misrepresentations, we concluded, that the Account which was drawn up, might be transmitted by such Members, as saw cause, (Journal p. 66.) and this was not on the 7th. but 11th. Instant, and this we suppose, every impartial Person must think very proper, if the Representatives had been permitted to return home : and to save the trouble and difficulty of sending to many of our remote Towns, to have been permitted to rise, might have been convenient, if Your Excellency had given leave.

YOUR Excellency in the next place puts a Construction on our words, (We dare not come into an Act for fixing a Salary on the Governour for ever, nor for a limited time) far different from what we intended, and from what in common Acceptation, they must import ; it must be understood, and so it certainly was intended, that for those Reasons we did not dare to come into such an Act, without the special Orders of Our Constituents, and therefore we drew up an Account for every Representative, that saw cause, to send to his Town for their Orders either the one way or the other, and had printed Your Excellency's Reasons for such an Act, and Your Answers to all our Objections, and referred the People to them, for whose sakes you had told us, they were given, without making any particular reply, to abate their Force.

YOUR Excellency seems to lay great Weight upon our not giving a fuller Account of your several Messages, and the Arguments and Reasons contained in them, and mention this as the great Cause and Reason of your last Message : To this we would humbly offer, that we referred to every Message, printed at large in our Journal, and we think this more safe and certain to give them their full weight than any Epitome we could make, and least liable to any exception from Your Excellency, and every other person ; and as to that indifferent and careless Temper You seem to think so prevalent in the Country, that they will not in a matter of this Importance take the pains to look into the several pages referred to in the Journal, which at most can be but a few hours Work, we cannot but hope when Your Excellency has been longer among us, you will think better of us : We cannot think that a matter that has lain so long and heavy upon us, would be so cursorily and heedlessly past over by our Constituents, who, we hope, are Englishmen in their hearts, inclinations and practice, as well as in Name : And if the People are such as we have now described them, the greatest part of Your Message
loses

loses its Foundation at once, and can need no other Answer; and if they are so stupidly heedless and careless as they would be, if they should act so negligently, as Your Excellency intimates, it is of little consequence what, or whether any Representation at all were made to them of any thing.

YOUR Excellency Faults our omitting the Arguments you offered in your Speech, from the *practice of the Parliament in granting the Civil List to the King for Life*. We cannot think this could have served your Cause, if we had mentioned what was said by the House in Answer to it, (*Journal*, p. 32.)

YOUR Excellency mentions the want of a sufficient Check in the other Branches of the Legislature, *as the Cause of the fall of the Credit of the publick Bills*: whereas the true Reason very clearly appears to have been, that such Bills were not made a Tender in all Payments whatsoever.

AS to what Your Excellency says, concerning the Lieut. Governour's coming into the Act for emitting the last £. 60 000, we doubt not but the true state of the Case is this; That tho' His Honour in the beginning of that Session thought His Majesty's Instruction forbid him coming into it, yet upon Deliberation and Advice of the Assembly, his great Council, he was otherwise minded.

YOUR Excellency seems next to intimate as tho' we were loth to mention or take notice of what might recommend us to His Majesty's Favour; if any thing of this Nature could be inferred from what we have said or done, we should be exceedingly concerned, for above all things we are desirous to approve our selves *loyal and dutiful Subjects*, and we glory in it, as our greatest Honour, that no People thro' His Majesty's extended Dominions; can boast a more universal Loyalty and former Attachment to the August House of HANNOVER; This was one thing that filled us with such Joy at Your Excellency's Arrival, as being of a Family so noted for the same loyal Principles; and we are disposed to shew our Loyalty to His Majesty by an Honourable Support to His Governour, in any Way consistent with our Privileges, and as Mr. Agent Dummer (in his Letter of March 10th. 1722. which Your Excellency sent us an Extract from on the 12th. Instant) tells us, that My Lord Carteret assured him, that neither His late Majesty King GEORGE, nor any of His Ministers had any design to violate our Privileges, so we doubt not but His present Majesty, whose Wisdom Equity and Mildness are so universally acknowledged, will be pleased to see, that as on the one hand we are disposed to Grant Your Excellency more than double the Sum (for Your Support) to what we have heretofore granted to our Governours, so, on the other hand, we cannot but confide in his paternal Goodness, that it will be pleasing to him, that we do it not in a way bearing on our Privileges.

THERE

THERE are many other Particulars Your Excellency takes notice we have omitted to mention; to which this General Answer, we cannot but think, sufficient, That our People are not so heedless and foolish, as in a matter of this Importance, not to turn to the Pages they are desired to read and consider in the printed Journal, sent to the several Towns for that end; if they do *thus*, nothing is omitted, if they do not, they act contrary to the desire of this House, and the good Character we think, they deserve; and must be content to be esteemed as *heedless and thoughtless* as they have been represented.

WE cannot however but take notice, how convenient it might have been, if Your Excellency had quoted the Words of the Statute of 34 Edw. 1. Cap. 1. in your Answer to our second Reason, which you afterwards mention; we said, we did not fix a Salary (when we had been told we were met for that, and should not rise till we had finished it (p. 47.) because by *Magna Charta* Moneys were to be raised and disposed of our free accord without Compulsion: The Words of the Statute are, *No Tillage or Aid shall be taken without the good will and assent of Arch-Bishops, Bishops, Earls, Barons, Knights, Burgesses, and other Freemen of the Land.* As your Excellency asks several Questions on this head, we would only beg leave to ask one, whether it has been customary, that the *Knights, Burgesses and other Freemen of the Land* should be told, that they were met, to grant Money in such a particular Way and Manner, and so they should be kept, 'till they had done it, and this in order to gain their good will and assent?

YOUR Excellency towards the close takes notice of the Statute 1 Jac. 1. Cap. 33. the Preamble of which you say is too long to be inserted, that Statute can never be thought to affect the present case. Your Excellency quotes it, to induce us to settle a Salary for the Governour's Support for the time being, but the Subsidys granted by that Statute are declared in that Preamble, to be given the King towards his great Costs, Charges and Expences, which may be expended and laid out for the keeping and sure defending of the Seas, against all Persons intending or that shall intend the disturbance of the Commons or invading the Realm, &c. We cannot think Your Excellency would look upon Your self and all succeeding Governours, bound to be at the Charge of defending this Province against any Enemies that might invade us, if we should fix a Salary; but, for this end, those Subsidys were granted King James, and the Commons say in the same Preamble, that those Subsidys did not countervail the King's great Charges therein.

TO Conclude we say, that as to the *unmentioned Reasons*, Your Excellency is so pleasant upon, we are too seriously affected with them to lose their Impression by such a Turn, we cannot think your Excellency is really at

a loss, whether great Inconveniencies may not enter in at the Door we should open, if we came into this Act; however, we chuse rather to omit saying what might justly be offered, than to use a Freedom that might be offensive: And if any thing has now been said, that is liable to a doubtful Construction, we beg of Your Excellency to accept it, in the most favourable sense; for we are very desirous to continue in Your Favour, and to give You all Encouragement, to improve Your great Abilities for Our Good, which Your Excellency told us in Your Speech in the beginning of this Session You should heartily consult: And as Your Excellency was pleased very kindly to tell us, Our Priviledges should be Your peculiar Care, and the Happiness of the Province Your utmost Endeavour, we would pray You not to insist upon a Support in a way attended with so many Difficulties; and We assure Your Excellency, that we are ready in the usual manner to grant You what is very Ample and Honourable, to enable Your Excellency to manage the Affairs of the Province.

WE perswade Our selves, we have said enough to shew, that we were not silent, because there was not room to make Exception to Your Excellency's Reasons and Arguments upon the matter under debate, as Your Excellency seems to intimate, but because, we were loth to say, what might be look'd upon by any, to be too great a Freedom.

September 21. 1728.

Mr. Speaker from the Committee appointed to draw up a Vote for an Allowance to His Excellency, reported according to Order, which was read and Accepted, and the House came into the following Vote, viz.

Whereas this House soon after the opening of the present Session, Resolved, That the Sum of Fourteen Hundred Pounds should be paid to His Excellency the Governour, to enable him to manage the Affairs of the Government, which was Concurr'd by the Honourable Board, but not Consented to by the Governour, and whereas the usual Time is near advanced for making a second Allowance for the Support of Governours:

Therefore Resolved, That the aforesaid Grant of Fourteen Hundred Pounds be and hereby is revived, and that the said Sum be allowed and paid out of the publick Treasury to His Excellency WILLIAM BURNET Esq; Governour, &c. for the Ends aforesaid, and that the further Sum of Sixteen Hundred Pounds be allowed and paid out of the publick Treasury to His Excellency WILLIAM BURNET Esq;
 Captain

Captain General and Governour in Chief in and over this His Majesty's Province, for His Support in managing the Affairs of the Government.
Sent up for Concurrence.

24th. A Message from His Excellency by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

I Think my self obliged to receive every thing that comes from you with Attention, and examine it with Candour.

IN your Message of the 20th Instant you say, *that you have always been careful that your Consultations and Conclusions might be managed in the most decent and respectful manner, and that when you were as it were necessitated to descend into Particulars, you carefully avoided every thing that could have the appearance of Irritation.* These Assurances would be very engaging to me, if I could possibly reconcile your Conduct to them; for what could be less decent or respectful and more irritating than directly to charge me with a design to keep you sitting in order to compel you to act contrary to your native Freedom and declared Judgment, and so betray the great Trust and Confidence your Principals have reposed in you?

I think I have fully shewn that the King's Instruction is no ways against your Freedom, and that no sufficient Reasons have appeared to determine your Judgment against it, and that your Principals are in no danger of being Sufferers by any thing but your undutiful Behaviour to His Majesty in disregarding His Pleasure, signified by it. So little Justice as well as Decency has there been observed in your laying such a design to my Charge, and therefore very few will be of Opinion that your silence or imperfect Answers have proceeded from this Motive.

AND now to consider the Particulars of your last Reply, I don't apprehend that you clear up the Inconsistency I had observed between your Vote of the 7th. and your desire to rise on the 11th. for though indeed the word *transmit* is not in your first Vote, yet it is plainly implied, since how could the Towns be advised if nothing was to be transmitted to them? and at that time the design of sending it appears general, though afterwards on the 11th. you limited it to those Representatives who *saw cause* to have it transmitted.

YOUR next period gives me a good deal of satisfaction since it opens a Door to your Constituents to give you special Orders to comply, in which case you do not insist upon your not daring to do it. I confess I did not see that

that this followed from the *common Acceptation* of your words, because there was no Exception expressed, but you have now fully explained your mind, which amounts to allowing that you may be lawfully compelled by your *Constituents* to a thing, though it should be against your own declared *Judgments*.

YOU proceed to observe that *I lay great weight upon your not giving a further Account of my several Messages and the Arguments and Reasons contained in them.* To which you reply, *That you referred to every Message printed at large in your Journal as more safe and certain to give them their full weight, than any Epitome you could make.* But here I have great Reason to complain as I have done before of your visible partiality in telling only a part of what I lay weight upon. What I said was that *you have set forth the strength of the Argument on one side, and conceal'd it on the other.* To this what you offer contains no Answer to me, but what makes against your selves, for if it was more safe and certain to refer at large than to make any Epitome, why did not you do so with your own Votes and Messages to me, why were they Epitomized so fully while mine were neglected? Did you intend thereby to take away part of the weight of your own Proceedings on purpose that mine alone might have their full weight? I am sorry you give me so just cause to think you rather diverting than serious on this occasion.

YOU go on with observing, that *as to that indifferent careless Temper which I seem to think so prevalent in the Country, that they will not in a matter of this Importance take the pains to look into the several Pages referred to in the Journal, which at most can be but a few hours work, you hope that when I have been longer among you, I will think better of you.* One would think by this that I had accused the People of being indifferent and careless which I never did, but I suppose because you find me defective in expressing my self, you are so obliging as to help me to such a civil way of treating the People in the Country; all I had said was that *it cannot be supposed that the Generality of People in the Country will have the time or take the pains to compare your Account with the Pages of the Votes as they are cited.* I did not think this any Reflection upon them, because I know it to be true of the Country People in England, and in other places where they mind their Labour. You ought to know your own People best, and therefore I am willing to believe that I was mistaken and that your People will spare some hours from their Work: And since it is so I am the more encouraged to take pains to inform them, and I cannot but think that when they make this Scrutiny they will be at a loss to imagine for what purpose you have inserted many of your own Votes and Disputes with the Council at length in your Account, since they could so easily have been directed where to turn to them in the Journal without all that unnecessary repetition.

YOU

YOU think my finding fault with your omission of my Arguments in my Speech from the practice of the Parliament could not have served my Cause, if I had mentioned what was said by the House in answer to it, page 32. To which I think it is enough for me to say again, that I believe the Point would not stand in a Light much to your Honour if you had likewise mentioned what I said to you upon the same head in the beginning of pag. 57. which you have never answered.

YOUR next Observation is, that instead of what I mention as the true Cause of the fall of the publick Credit of the Bills very clearly appears to have been, that such Bills were not made a tender in all Payments whatsoever. Now I will venture to affirm that such a proceeding ought to have made them fall much lower: For in England where Credit has been preserved, the Exchequer Bills which are issued by the Government are never a Tender in any Payments but in Taxes, and the Bank have usually a profit allowed them by the Parliament in order to Circulate these Bills at PAR. These things are so well known to Persons concerned in Trade, that I was surprized to find any thing asserted on this Subject so different from Reason or Experience. There is no Maxim more certain than that Liberty is the Life of Credit, and Force the greatest Enemy to it, and better calculated for a French Government than an English, which makes me wonder to find you arguing for a Compulsion on free Englishmen to take Paper against their Will instead of Money.

YOU are as much out of the way in your next Article as to what I say concerning the Lieut. Governour's coming into the Act for Emitting l. 60,000: I never said one word about his coming into that Act. Is it not very strange that while your Country People read your Journals with so much care you should read them with so little? I reminded you in pag. 74. that I had produced to you an undeniable Instance in page 56. of the House's making use of this Way (your usual Way) last Winter in order to compel the Lieut. Governour to a Compliance. In page 56 you will find the Instance which I give, at length out of the Votes of last Winter page 104, relating to the Bill about Fortifications which never passed. The Bill which the Lieut. Governour did come into was another Bill for raising and settling a publick Revenue, a Title which contains what you say you dare not do at present, and which Bill has never been mentioned by me before. After so gross a mistake you go on thus, We doubt not but the true state of the Case is this, that tho' His Honour in the beginning of that Session thought His Majesty's Instruction forbade him coming into it, yet upon Deliberation and the Advice of the Assembly, his great Council, he was otherwise minded. And why may not I with exactly the same Reason say, that I doubt not but the true state of the present Case is this, That tho' the Assembly in the beginning of this Session thought that their CHARTER forbade their

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coming into a Salary to the Governour, yet upon Deliberation, and the Advice given by His Majesty their most Gracious King in His Instruction they will be otherwise minded. So that you have furnished me with a parallel Case to convince me that I may at last succeed with you just as your Predecessors did with the Lieut. Governour; and I have the more Reason to hope so since you declare your selves exceedingly concerned if any thing could be inferred from what you have said or done, as though you were loth to mention or take notice of what might recommend you to His Majesty's Favour.

AT the same time that you cry up the Knowledge of the Country People, you can plead a great deal of Ignorance in your selves when it serves your Turn. You have no doubt then forgot what is in His Majesty's Instruction, and which I have so often repeated to you, *That as you hope to recommend your selves to the Continuance of His Royal Grace and Favour, you must manifest the same by an immediate Compliance. You add, that above all things you are desirous to approve your selves loyal and dutiful Subjects; and yet when in my Message, page 50 I reminded you of His Majesty's looking upon your denial as a manifest mark of your undutiful Behaviour; you took no notice of this in your long Reply, p. 52, 53 54. with which neglect therefore I had reason to charge you in p. 55. Thus you may see that such shifts as you are forced to have recourse to in excuse of your Proceedings will never stand before plain Facts.*

AND as you quote one Passage from my Lord Carteret's Discourse with Mr. Agent Dummer, you may remember another, where my Lord Carteret gives an Instance of your ill Treatment of the Government in treating His Majesty's Instructions as waste Paper, particularly *in not settling a proper Salary on your Governours which the rest of the King's Provinces had done, and which had been often and earnestly recommended to you by the Crown. Your Agent did not pretend in Answer, it was against your Priviledges, well knowing that my Lord Carteret was not to be so trifled with.*

YOU proceed next to give one general Answer which you think sufficient to justify your omitting to mention many other Particulars, which is that your People are not so heedless and foolish in a matter of this Importance as not to turn to the pages, for if they don't they must be content to be esteemed as heedless and thoughtless as they have been represented. You may please to remember that these pretty Epithets of foolish, heedless and thoughtless, are all of your own bestowing, and not one of them repeated from me, and therefore if any of the People have been hindred by their hard Labour from taking the pains you expect of them, in which I think they are excusable, they have you to thank for the kind Construction you put upon their Omissions.

THO'

THO' you Answer none of my Questions but with another, yet I will not treat yours with the same neglect, or rather I will shew that I am not so much afraid of answering your Question as you are to attempt any Answer to mine.

YOUR Question is, *Whether it has been customary that the Knights, Burgeses and other Freemen of the Land should be told that they are met to grant Money in such a particular way and manner, and so they should be kept 'till they had done it, and this in order to gain their good will and assent?*

THIS is plainly intended as a Case parallel to my Proceedings, and therefore I shall consider it in all its parts.

First, *Whether Freemen, &c. should be told that they were met to grant Money?* I answer, the Crown always tells them so.

2dly. *In such a particular way and manner.* I answer, that if you mean the ways and means of raising Money, the Crown leaves that to the Commons, but if you mean the purpose to which it is to be granted, the Crown always tells them, what that is, whether for an honourable Support, the defence of the Kingdom, carrying on a War, or the like.

3dly. *And so they should be kept 'till they had done it.* The Crown never told the Parliament so that I know of, nor have I told you any thing like this as an expedient to get the thing done. I have given a very different reason for not agreeing to a Recess, altogether for your own sakes, lest I should thereby make your immediate Regard to His Majesty's Pleasure impossible, and p. 50. I say, it is for your own sakes as well as out of Duty to His Majesty, and that I may do nothing on my part that may put it out of your Power to continue in your Duty to the best of Kings, and p. 59. That I had already inform'd you that my Duty to His Majesty will not permit me to agree to a Recess 'till His Instruction is complied with. That is to say, for the Reasons already given, because it would be a breach of my Duty to tie you down to a breach of yours, and not to give you all the time in my power for Deliberation, though you should disregard your own Interest and Duty at present so far as to desire the contrary.

4thly. *And this in order to gain their good will and assent.* My Conduct in this has I think been such as to deserve your good will and assent for the Reasons just now given, since a Care of your Interest greater than you now take of it your selves, must be acknowledged with Thanks instead of Reproach, whenever you have fully deliberated upon it.

AND

AND now that I have given a plain full and direct Answer to your Question, I might justly expect the like from you to all mine, which you have pass'd by unregarded.

YOU say next that I quote the Statute of 1 Jac. 1. Chap. 33. to induce you to settle a Salary. I wish when you express my meaning that you would be pleased to do it in my own Words, and in all that are material, for this would save you the trouble of a great many needless Observations grounded on nothing but an imperfect recital of what I have said, My Words were, *That I defy you to shew that these Acts of Parliament or any other were ever pretended to be an Objection against granting to the King a Revenue for Life, which appears to have been done, and much more time out of mind by the Preamble of the 1 Jac. 1 Cap. 33. I say that much more appears to have been done, since Subsidies for Life enjoyed by the Kings for the Defence of the Realm and keeping and Safeguard of the Seas as that Act recites, were a much higher Trust, than a Revenue only, which Revenue must undoubtedly be supposed to be provided for before the King could be prepared to defend the Realm, so that either the Lands or valuable Rights of the Crown then subsisting, or perhaps part of these Subsidys must necessarily be applied that way, so that your pleasantry upon this Subject, that you cannot think that I would look upon my self nor succeeding Governours bound to be at the Charge of defending this Province if you should fix a Salary, falls to the Ground, whenever the matter is fairly stated. And here indeed I must take notice that you cannot forbear being pleasant in your own way, notwithstanding that just after you take the freedom to blame me for the same thing, and yet again in the same breath you protest against your using any offensive Freedom; so that you have the Art of being most diverting, when you declare your selves most seriously affected.*

AND now you must give me leave to insist upon it that I was right in saying before that your Silence was because you found your selves at a loss to give any Reply; for Silence would I believe have done you more Service with any impartial Person than shifting and evading and misrepresenting in the manner which I have shewn has been done, by those who have drawn up this last Reply, and which I cannot but say you have too hastily accepted.

AND as for their Reason why they have not made a close and critical disquisition, and why they omit what might justly be offered because it would not be acceptable or might be offensive to me; I take it to be a meer excuse, for giving Reasons ought never to give offence; and doing it in an indecent manner will be no Reflection, but on those who do it, and therefore till I see real undisguised Answers given to my Arguments, I have a right to think them unanswerable.

As for your Offer which you have now made, I see no difference between it and what I was obliged to decline before, but in the Sum; That is to say, that you would give me still a higher Reward for to take His Majesty's Displeasure off from you, and lay it upon my self, which I am by no means inclined to do.

W. BURNET.

Sept. 23. 1728.

Read.

October 1. 1728.

A Message from His Excellency the Governour, that He expects the Attendance of this House in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency made a SPEECH to both Houses, of which Mr. Speaker obtained a Copy, and then with the House returned to their own Chamber.

His Excellency's SPEECH is as follows, viz.

Gentlemen of the House of Representatives,

AS I am desirous to inform you of every thing that may tend to the Service of the People of this Province, and to warn you of every thing that may turn to their Prejudice, I think it incumbent on me to acquaint you, that I have reason to apprehend His Majesty's disallowance of the Act pass'd here in the first Year of His Reign, Entituled, *An Act for Raising and Settling a publick Revenue for and towards Defreying the necessary Charges of this Government by an Emission of Sixty Thousand Pounds in Bills of Credit on this Province.* My reason for this Apprehension is grounded on the following Instruction given to Governour SHUTE in 1720, and which has been communicated to you: *Whereas Acts have been pass'd in some of His Majesty's Plantations in America for striking Bills of Credit and Issuing out the same in order to discharge their publick Debts and other Purposes from which several Inconveniences have arose; IT IS THEREFORE HIS MAJESTIES WILL AND PLEASURE That for the future You do not give Your Assent to or pass any Act in His Majesty's Province of the Massachu-*
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setts Bay under Your Government, whereby Bills of Credit may be struck or issued in Lieu of Money or for payment of Money either to You the Governour or Commander in Chief, or to any of His Majesty's Council or of the Assembly of the Massachusetts-Bay, or to any other Person whatsoever, without a Cause be inserted in such Act declaring that the same shall not take Effect untill the said Act have been approved and confirmed by His Majesty, except Acts for Raising and Settling a publick Revenue for defreying the necessary Charge of the Government of the said Province of the Massachusetts, according to the Instruction already given you.

NOW I find that the only Instruction already given to Governour SHUTE about Raising and Settling a publick Revenue for defreying the necessary Charges of the Government of the said Province was given in 1716, which is as follows ; *Whereas it is necessary that due Provision be made for the Support of the Government of His Majesty's said Province by setting apart sufficient Allowances to You His Captain General and Governour in Chief, and to His Majesty's Lieutenant Governour or Commander in Chief for the time being residing within the same : And whereas His said Province of the Massachusetts Bay has not hitherto taken any manner of Care in that matter, though the like Provision be generally made in His Majesty's other Plantations in America which are under His immediate Government, notwithstanding that divers of them are much less able to do it : You are therefore to propose to the General Assembly of His Majesty's said Province, and accordingly to use Your best Endeavours with them that an Act be past for Settling and Establishing fixed Salarys upon your Self and others His Majesty's Captains General that may succeed You in that Government, as likewise upon His Lieut. Governours or Commanders in Chief for the time being, suitable to the Dignity of those respective Offices.*

I need say little more about this matter, but leave you to judge whether this Instruction has been complied with in the said Act, and if not, Whether it was not contrary to the Instruction given in 1720, and consequently, Whether you can expect His Majesty will allow it, There being no Words in the whole Act that they have any Relation to that part of the Title, which declares it, *An Act for Raising and Settling a publick Revenue for and towards Defreying the necessary Charges* of

of the Government, except these, And the whole of the Interest of Four per Cent. per Annum shall be applied for and towards defreying the necessary Charges of this Government, and to and for no other Use whatsoever.

IF therefore you have any Regard for the Currency of those Bills, and if you think that any Inconveniencies might happen to the Province by their Currency's being discontinued, I must earnestly recommend it to you to do the only thing, which I conceive can prevent the disallowance of the said Act, which is to make an Explanatory Act intirely conformable to the aforesaid Instructions of 1720, & 1716, and thereby to settle and ascertain the said Interest of Four per Cent, as part of the Salary of the Governour or Commander in Chief for the Time being, in such manner that it may be applied and issued for that purpose as it shall come into the Treasury from time to time.

W. BURNET.

October 1st. 1728.

Read.

October 2. 1728.

Voted, That Mr. Lewis, Mr. Welles, Major Tilestone, Mr, Southworth, Mr. Lemmon, Mr. Knowles, and Mr. Dickenson wait on His Excellency the Governour with the following Message, viz.

May it please your Excellency,

THE House of Representatives have with a Caution becoming the Importance of the Subject read over Your Message of the 23^d. of September last, and after a careful Examination into the several Branches thereof, with the Motives and Arguments advanced on Your part to perswade and convince the House that the Reasons given by them for not coming into a fixed Salary are not well founded :

Allow us now to assure Your Excellency, that the House are of the same Opinion touching a fixed Salary as we have heretofore been, and though You may have a right to think Your Arguments unanswerable, if the House do not conceive so of them, we think it expedient to let Your Excellency further

further know, that we esteem the Reasons offered by and on behalf of the House to be just and good, and willingly submit the whole that has passed the Court on this Head, to the strict Scrutiny of impartial Persons.

October 5. 1728.

Nathaniel Byfield, Timothy Lindall, and Theophilus Burrell Esqrs. brought down the following Vote of Council, viz. In Council October 4th. 1728. *The Board taking into Consideration His Excellency's Speech made to both Houses the first Instant, and apprehending it to contain matters of great Importance to this Province,* Ordered, That John Cushing, Addington Davenport, Thomas Hutchinson, Edmund Quincy and Paul Dudley Esqrs. with such as the Honourable House shall appoint, be a Committee to consider the said SPEECH, and report what is proper to be done thereon. Sent down for Concurrence.

Read, and after some Debate had thereon, *Voted*, That the House will enter into the Consideration of the above Vote on *Wednesday* the twenty-third of *October* Curreant, and that Mr. Speaker forthwith issue out Warrants under his Hand and Seal to all the absent Members, directing and requiring them to attend their Duty then in the House.

October 23. 1728.

According to the Order of the Day, the House entred into the Consideration of the Subject-matter of the Vote of the Honourable Board of the 4th. Curreant, appointing a Committee of both Houses for taking into Consideration His Excellency's SPEECH to both Houses the first Curreant, and after a Debate being had thereon, The Question was put, *Whether the House will join a Committee with the Honourable Board?* It pass'd in the Negative.

Ordered, That Mr. Welles, Mr. Remington, Major Quincy, Mr. Cooke, Major Turner, Capt. Goddard, and Col. Paine, be a Committee to take into Consideration His Excellency's SPEECH of the first Curreant, and to make Report of their Opinion of what may be proper for the House to do in Answer thereto.

Mr.

October 24. 1728.

Mr. Welles from the Committee appointed last Night to take under Consideration His Excellency's SPEECH of the first Currant, made Report thereon, which was read and accepted, and the House came into the following Message, viz.

May it please Your Excellency,

THE House of Representatives have several times read and consulted your SPEECH of the first Instant, and after mature Consideration thereon, we cannot but apprehend, that the General Court in passing the Act for raising and settling a publick Revenue, &c. acted agreeable to the Powers vested in them, for making, ordaining add establishing Laws, Statutes and Ordinances, and imposing and levying proportionable and reasonable Assessments, Rates, and Taxes for the necessary support and defence of the Government; and that, that Act is not contrary to the true intent and meaning of the Instructions referred to by Your Excellency, but is plainly couched in the reservation mentioned in one of them, and not inconsistent with or contradictory to the other: And therefore we humbly conceive, that it is not needful to make any Explanatory Act, the Interest of four per Cent. which is the net profit, arising by said Act, being wholly appropriated to defrey the necessary Charges of the Province; and if we should by such an Act settle the said four per Cent, as Your Excellency moves, it would be fixing a Salary, which is concluded by this House to tend very much to the hurt of the People of this Province, as we have often declared, and in this Opinion we still fully are. But yet, as we have been very ready to shew our honourable esteem and high respect for Your Excellency at Your Arrival, and 'till Your Settlement, and in adorning the Province House for Your more pleasant Entertainment, so we are very desirous that Your Excellency may be still honourably supported, and therefore would again intreat You to accept of the *Fourteen and Sixteen Hundred Pounds*, which this Assembly have so cheerfully granted, and which is so far beyond any such Grants in this Province ever before, which if Your Excellency should please to do, we cannot doubt but that succeeding Assemblies, according to the ability of the Province, will be very ready to grant as ample a Support; and if they should not, Your Excellency will then have the opportunity of shewing Your Resentments.

Sent up.

A Message from His Excellency the Governour by Mr. Secretary, viz. Mr. Speaker, His Excellency directs the attendance of this Honourable House in the Council Chamber forthwith. Mr. Speaker and the House went up accordingly, and Mr. Secretary said, That His Excellency Orders that

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this Great and General Court or Assembly should be Adjourned to the Court-House in *Salem* in the County of *Essex* unto Thursday the Thirty first Day of this Instant *October* at Ten of the Clock in the Forenoon. And then Mr. Secretary declared, that the said Great and General Court or Assembly was Adjourn'd to the Court-House in *Salem* in the County of *Essex* unto Thursday the Thirty first day of *October* Currant, at Ten of the Clock in the forenoon, at which time and place the said Court was to be held and kept accordingly.

At a Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and and held at *Boston* upon Wednesday the twenty-ninth Day of *May*, being the last Wednesday of the said Month, *Annoque Domini*, 1728. and from thence continued by Prorogation and Adjournment to the Court-House in *Salem* in the County of *Essex*, on Thursday the thirty-first Day of *October* following, and then met, being the second Session of the said Court.

A Message from His Excellency the Governour by Mr. Secretary. Mr. Speaker, His Excellency directs the Attendance of this Honourable House forthwith in the Council Chamber. Mr. Speaker and the House went up accordingly, and His Excellency made a SPEECH to the Court, of which Mr. Speaker obtained a Copy: Which is as follows, *Viz.*

Gentlemen of the Council and House of Representatives,

YOU are, no doubt, desirous of knowing my Motives for removing the General Court from *Boston*, and I am as ready to satisfy you, why I did it, I have for some time had too much reason to think that the general Inclination of the Inhabitants of that Town was against a Compliance with His Majesty's 23^d. Instruction, and that they used endeavours to work upon the minds of the Representatives from the Country to bring them into their own way of thinking, but it did not rest long there; They thought fit at last to make a publick unanimous Declaration at a Town-Meeting called for that purpose, that they were against settling a Salary. This unnecessary

necessary forwardness to make a refusal of His Majesty's Demand their own Act, and so set an Example of doing the like to the Towns in the Country, appeared to me a very extraordinary Proceeding: It was at once choosing to take that upon themselves, which His Majesty calls an undutiful Behaviour, and attempting to give the Law to the Country, in which last I have the pleasure to observe, that they have had very little success, and that a spirit of prudence has shewn it self in declining such a needless and officious step, better adapted to the Republick of Holland than to a British Constitution. I therefore thought it proper to Adjourn the Court to some place, where Prejudices had not taken root, and where of consequence His Majesty's Service would in all probability be better answered.

Gentlemen of the House of Representatives,

I was sorry to find that you would not join a Committee with the Committee of the Council to consider my Speech of the first Instant: I cannot but believe that the assistance of the Board might be of use to your Deliberations, and I have always observed a readiness in them to joyn with a Committee of the House, as often as you have sent up to desire it. A Harmony between the Branches of the Legislature is more likely to contribute to the publick Good than keeping at a distance from one another.

If the Act for raising and settling a publick Revenue, and what has been already done in consequence of it, had been more carefully considered, you would scarce have affirmed that the Act is not contrary to the true intent and meaning of the Instructions referred to by me; since it certainly could never be the intent of the said Instructions, that the Money given for a Revenue by a new Act should be applied only to the easing of the ordinary Taxes, as the Interest of four per Cent, for the first Year has already been by the Tax Act of the last Session. This shews plainly, that the words Raising a publick Revenue, were intended only for a shew, and not in reality to do the thing. It would be a great misfortune to this Act if it must fall a Sacrifice to former Prejudices. You say that an Explanatory Act to preserve it would be fixing a Salary, which tho' so strongly recommended by His Majesty is concluded by the House to tend very much to the hurt of the People of this Province. I believe you have not fully considered of how high a nature it is for you to charge an Instruction from His most gracious Majesty with being a Hurt to the People, a Bearing on their Privileges, in Prejudice of their Rights and Liberties, having a direct tendency to weaken if not destroy their happy Constitution; and to declare a Compliance with it, a Betraying the Rights and Privileges granted in the Charter. If all this should appear without Foundation before a higher Legislature, I cannot think without concern on the Consequences it will have to your Disadvantage, and therefore I would earnestly perswade you, if possible, to reconsider with Care what

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what has perhaps, been too suddenly Resolved, that before it be too late you may avoid all the unhappy Effects which those Measures may bring upon you.

W. BURNET.

October 31st. 1728.

Read.

November 14. 1728.

Mr. *Bisby* from the Committee appointed last Night to prepare a Vote for the House to present to His Excellency for his removal of the Court to *Boston*, made report according to order, which was read and Accepted, and thereupon the House came into the following Vote, *viz.*

May it please Your Excellency,

IT is with the greatest Concern that the House of Representatives observe Your dissatisfaction at their Proceedings from time to time: we assure you nothing has risen from disloyalty to His Majesty, or disaffection to Your Excellency, but purely from faithfulness to the Interest of this Province.

WE are very much affected, that Your Excellency puts a Construction so hard and so very dishonourable to us, upon our refusing to settle a Salary, &c. as to suggest we were influenced by the People in *Boston*: In this Affair we acted very freely, and are perswaded the Reasons that prevail'd with us to determine as we have, will go with us, guide and influence us every where.

IT has always been our hearty desire and sincere endeavour to cultivate and establish a harmony between Your Excellency and this House; and we are very sorry You have undertaken what is so very grievous to us, and hurtful to the Province, as the Removal of the Great and General Court from *Boston*. We cannot but believe, that the Act, made and passed May 25. 1698 (and which has had the Royal Approbation) establishing the Form of the Writ and Precept for calling a Great and General Court or Assembly, together with the Return of the Constable, determines the Town-House in *Boston* to be the only Place for convening, holding and keeping Great and General Courts or Assemblies *de die in diem*, during their Session and Sessions, unless an equal Power with that which made this Law, should controul or alter it: especially if we consider the long practice and understanding of the Law in this sense, for we find by the Records of this Court, that Anno 1721, when the Hon. *Samuel Shute* Esq; then Governour, by the advice of such of the Council as he could meet with, on occasion of the distressing Circumstances of *Boston*, by reason of the prevalency of the *Small Pox*, thought it proper

proper that the General Court should sit at *Cambridge*, did then propose, that they should afterwards come into some Act to make their doings there valid ; and did then give his consent to an Act or Resolve that passed both the other parts of the Legislature, to capacitate and qualify them to act validly in that Town : and did then also assure the Representatives, that that Method for removing the Court from *Boston* to *Cambridge* should not be made a Precedent, and that the Occasion of it was extraordinary, and his only design in it, to secure the Members of the Court from the Infection of the *Small Pox* then raging in *Boston*.

NOW, may it please Your Excellency, What has been done at this time in removing us from *Boston*, has been without any Reason given, besides your suspicion, which, we are very sensible, is without Foundation, and therefore very injurious to this House : And such a Removal is attended with very dangerous Consequences, and may expose the Members of this Court to insupportable Hardships and Difficulties, to the great disservice of His Majesty's Interest, and grievous hurt and Damage of the Inhabitants of this Province in many respects, very easy to be discern'd, and needless to be particularly mentioned.

THE Case being thus, we think we ought (in Duty to His Majesty, and Faithfulness to the People of this Province) to use all proper Means that the General Court may be returned to *Boston*, where we humbly apprehend by Law it ought to be, and where the Validity of our Proceedings cannot be called in Question.

For this end it is we now Address Your Excellency, and earnestly intreat Your favourable Acceptance of what we offer, and compassionate Consideration of the deplorable Circumstances of this Loyal and Dutiful, but yet Distressed Province.

Sent up.

November 15. 1728.

A Message from His Excellency the Governour by Mr. Secretary, in these Words, viz.

Gentlemen of the House of Representatives,

I Cannot imagine, how you can expect that I should shew the Concern, which I am naturally inclined to have for your Ease and Conveniency, before you have shewn a due Regard for His Majesty's Pleasure signified by His twenty-third Instruction : And if your Thoughts are still the same that they were at *Boston*, it only proves how deep impressions were made upon

upon you there ; which I shall continue to hope will be removed in time ; And till that is done, I confess that your professions of Loyalty must appear unintelligible and unaccountable to me.

AS to your Reasons against the Power of Adjourning you from *Boston* to another Place, it seems strange to me, that you repeat Arguments that were fully debated at a solemn Hearing in *England*, without taking notice that the King in Council determined the Point against you according to the Attorney and Solicitor Generals Opinion, *That the sole Power of Dissolving, Proroguing or Adjourning the General Court or Assembly, either as to Time or Place, is in His Majesty's Governour.* And that the Reasons against it from the Act of the tenth of King William, have no real Foundation, there being no Clause in that Act, laying any such Restraint upon the Governour. But in the form of the Writ the word *Boston* is mentioned, which must be understood by way of Instance or Example only, and not to limit the Power the Crown has of Summoning or Holding General Courts or Assemblies at any place, much less of Adjourning them from one place to another, after they were Summoned. Whatever neglect you shew of this His Majesty's Decision, I will govern my self by it, as I am in duty bound. I will only add, that the Absurdity of taking that Act as a confining of the Meeting of the Court to *Boston* appears sufficiently by the same Acts mentioning no Precept but for *Suffolk* ; And so, taking the Act in a strict sense, no Representatives ought to be return'd but for *Suffolk* only ; Whereas in reality, both *Boston* and *Suffolk* can only be taken by way of Instance. Besides you may remember, that the Assembly has met three several times at *Cambridge* since the present Charter was granted, and every time by the Governour's Authority only ; which has now been justify'd and confirmed by His Majesty's Order in Council.

AND now, Gentlemen, since you have so often alledg'd, that fixing a Salary is what you cannot do *in Faithfulness to the Interest of the Province*, as being contrary to the Privileges granted to you in your Charter, I think my self obliged to declare it to be my Opinion, that your Charter requires you to fix a Salary on the Governour for the time being : Some of the Powers given to the Governour and the General Court are to establish wholesome and reasonable Orders, Laws, &c. for the necessary Support and Defence of the Government. Power to do a necessary thing, lays an indispensable Obligation to do it ; and to fail in doing it, is a breach of the Condition : The Charter mentions the Support and Defence as two necessary Things, and therefore it is your Duty to provide for them in a wholesome and reasonable manner. If an Enemy was to attack any part of the Province, and ruin and destroy some of the Inhabitants, would you then be at Liberty to raise, or not to raise, Money for their Defence ? And would your saying that you did not judge proper to do it, be a sufficient Plea in your Justification ? I believe

I believe it would be thought by all impartial Judges that such a neglect was a forfeiture of the Powers reposed in you, by not using them when it became necessary. The Charter lays the Obligation to Support the Government in the same manner as that to Defend it, and the Reason of it is of the same kind; for while the Executive part of the Constitution is feeble, the Laws must lose their force, and the Publick will suffer as much from intestine Disorders, as it could do from an Enemy. Besides, as the Charter reserves to His Majesty the Right of appointing a Governour, nothing could be more reasonable than to take care (as the Charter has done) to oblige the Legislature to support him, that so he may be enabled to serve his Master according to the Dignity of his Office. This is no more than what may be expected in Justice and Equity, and the denial of it is an attempt to make the King's Appointment of a Governour ineffectual, and to make him as much dependent on the People as if he was to be elected by them. But to examine the matter still further, I may ask, if the settling the Salary of a Governour be not just and equitable, how came it to be just to settle the Wages of the Council and Representatives, as has been lately done by Law? Would it not have been better to have waited till each Session was over, to see how much every Member of either House might deserve by Voting with the majority, and to allow them Wages in that case only: which is exactly the same Measure, which the House pursued with Governour SHUTE when they informed him, that they expected the Bills to be pass'd, before they would go upon Allowances. Such a Proceeding is so mean and mercenary, that instead of being a Support of Government, it must necessarily undermine it and bring it into Contempt.

I must therefore again earnestly recommend it to you to make such an Act for the Support of His Majesty's Government as your Charter directs; which you have not hitherto done: This will be the only method to deserve His Majesty's Favour, to shew your Faithfulness to the People, and to provide for my Ease as well as your own.

W. BURNET.

November 14th. 1728.

Read.

In the House of Representatives, November 20. 1728.

Whereas the General Court sitting at Boston, on Saturday the twelfth of October last past, came into a Resolve for bringing forward several Matters and Things that were continued to the Fall Session after the twenty fourth of said Month, on which Day His Excellency the Governour was pleased to order an Adjournment of the Court to the

the Court-House in Salem, to the thirty first then Currant: Wherefore to prevent all Doubts and Disputes that may arise for or by reason of the aforesaid Adjournment, and that no Advantage, Exception, Claim or Challenge be taken respecting the removal of the Court, and agreeable to what was done by the Court when removed from Boston to Cambridge, in November 1721, Resolved, That the proper and necessary Business of the Province be now proceeded upon, the said Removal notwithstanding.

Sent up for Concurrence

Voted, That Mr. Welles, Mr. Remington, Mr. Cooke, Col. Dudley, Mr. Wainwright, Mr. Bisby, Capt. Eastwick, Mr. Lewis, Major Chandler, Mr. Shove and Mr. Lemmon, be a Committee to project and prepare an humble Memorial to be presented to His Majesty in the Name of this House, setting forth the Reasons why the House cannot settle a Salary on the Governour or Commander in Chief for the time being, and make report as soon as may be.

November 22. 1728.

Whereas many Members of the House have urgent Affairs requiring their being at home for a short time to provide for their Families during the Winter Season, Voted, That a Message be sent to His Excellency the Governour, earnestly desiring leave to Adjourn for the space of Three Weeks or One Month next coming.

Sent up by Mr. Remington, Mr. Lynde, and Mr. Orne.

Who returned they had delivered the Message, and His Excellency said, He did not think it proper to agree to it.

The Report of the Committee appointed to prepare an humble Memorial to His Majesty as entred this Morning. Read again, and the House entred into some further Consideration thereof, and after some Debate, the House voted that the said Report be accepted.

The MEMORIAL is as follows, viz.

To the KING's Most Excellent Majesty.

Most Gracious Sovereign,

WE Your Majesty's Loyal and Dutiful Subjects, the Representatives of Your Province of the *Massachusetts-Bay* in General Court assembled, humbly beg leave to approach Your Royal Presence, and offer the Reasons and Grounds of our Proceedings and Conclusions concerning a fixed Salary on the Governour of this Province,

Province, which is directed to by Your Majesty's twenty third Instruction to Your present Governour.

Nothing less than the Prosperity and Welfare of this Your most dutiful Province, could have prevailed with us to have done any thing disagreeable to Your Majesty's Instruction: This Province is under that natural Disadvantage, by reason of its very distant Scituation, that it cannot be under Your Majesty's immediate Inspection and Care, as *Great Britain*, our happy Mother is.

It is and has been very well known, in this as well as other Nations and Ages, that Governours at a great distance from the Prince or Seat of Government, have great Opportunities and sometimes too prevailing Inclinations to oppress the People; and it is almost impossible for the Prince, who is the most careful Father of His Subjects, to have such Matters set in a true Light. We humbly crave leave therefore to suggest, that it is very much for Your Majesty's Interest, and very necessary to the Tranquility and Flourishing of this Your Province, that the Governour should be induced by his own Interest, as well as Duty to Your Majesty, to consult the Interest and Welfare of the People; but should we fix a Salary, the Governour's particular Interest would be very little affected (while thus settled) by serving or diserving the People's Interest, and we should do more than has ever been done by the Wisdom of *Great Britain*. Notwithstanding the Nation and Your Subjects in the most distant parts of Your Dominions, have so intire a Confidence in Your Majesty, and Your Interest and Glory and that of Your Royal Posterity are inseperable from the Prosperity and Welfare of Your People, for we are all Your Inheritance, yet the Civil List is settled for Your Majesty's Life only; whereas neither the Happiness nor Adversity of this Province affect a Governour's Interest, when he has once left us; and the raising and disposing of Money from time to time of *our free will and assent, for the Defence and support of the Government, and Protection and Preservation of the Inhabitants*, is the great Privilege which as *Englishmen* by *Magna Charta*, and by the Charter granted by King *William* and Queen *Mary*, of glorious Memory, the General Assembly (as we humbly conceive) have a Right unto.

For these Reasons, the House of Representatives were perswaded they could not in Duty to Your Majesty, and Faithfulness to the People of this Province, settle or fix a Salary, when Your Majesty's Instruction for that end was first laid before them: And in this Conclusion the House had the Concurrence of Your Majesty's Council here; and since that in the Course of the Governour's Administration, we have had no Encouragement to do it from any Grounds or Reasons for such special Confidence in him, but the Treatment we have met with, in the Methods that have been used to bring us into a stated Salary, hath tended to confirm and abundantly strengthen us in our first Determination: For instead of the Governour's laying our Conclusion on that Affair before Your Majesty, and waiting Your Direction to him, and consulting in the mean time the Benefit and Welfare of the People, we were told by him, *That we were met for that end, and so should continue till we had finished it*: and when we were desirous to rise, that we might consult our Constituents, it was denied us, and we have been compell'd to sit for some Months, when the Affairs of the Province have not required it, for no other end but to bring us into the Settlement of a Salary, which we have often declared we could not do: And when this Method did not prevail, we were removed from the House and Records belonging to the General Assembly in *Boston*, to *Salem*, a Town about Twenty Miles from *Boston*, upon a pretence that the People in *Boston* influenced the Representatives against settling a Salary. And altho' since our being at *Salem*, we have assured him that we acted freely therein, and that the same Reasons that prevailed with us at *Boston*, would go with and influence us every where; yet we are still kept sitting there, to the great disservice of Your Majesty's Interest, and grievous Hurt and Damage of the Province.

And all this has been (as we humbly conceive) without any Provocation from the Assembly or People here. Your Majesty's Governour at his first Arrival, was received with the highest Respect and greatest Expence by much that ever was on such an Occasion. The Assembly took Care for his Entertainment in a very honourable manner, according to the Dignity of his Station, at a private Gentleman's House, till the Province House was prepared for him: And altho' the Province is under great Difficulties by being a Barrier to Your
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Majesty's other Plantations against the *Indian* Salvages, which in a War brings an excessive Charge, sometimes of about *fifty thousand pounds* per Annum, and has left a load of Debt on the Province of about *two hundred thousand pounds*, and how soon a War may break out again with them, we cannot tell; and now in Peace with them, the Province is at the Annual Charge of many Thousands of Pounds, to preserve it; yet soon after the Governour's Arrival, the Assembly granted *seventeen hundred pounds* to him, *fourteen hundred pounds* to enable him to manage the publick Affairs, and *three hundred pounds* to defrey the Charges of transporting his Goods and Servants here, and informed him, that at the usual Times, this and succeeding Assemblies would undoubtedly afford a Support suitable to the Dignity of his Person and Station: and since that, upon the first Opportunity, in the usual time of the Year for the second Grant, as soon as the Fall of the Year was arrived, notwithstanding they had been kept sitting all the while, to the great Damage of the Province, they granted *sixteen hundred pounds* more; and since these Grants were passed, we have once and again earnestly desired him to take both one and the other. These Sums are far beyond what has ever been granted to any Governour heretofore; and we doubt not but succeeding Assemblies, according to the Ability of the Province, will come into as ample and honourable Support from time to time; and should they not, we acknowlege Your Majesty will have just Reason to shew Your Displeasure with them: But while we continue to grant a Support so Honourable, as (we humbly conceive) we have since the present Governour's arrival, beyond other Plantations, considering the Charge we are otherwise exposed to, and a load of Debt lying upon us, we hope we shall always enjoy Your Majesty's Royal Grace and Favour, which this universally Loyal People above all things desire.

That the Crown may long flourish on Your Royal Head, and continue so in Your most illustrious Family to the latest Posterity, is the sincere and hearty Prayer of,

May it please Your Majesty,

Your most Loyal and

most Dutiful Subjects and Servants,

In the House of Representatives, Nov. 22d. 1728.

In the Name and by Order } *W. DUDLEY, Speaker.*
of the House of Representatives, }


December 20. 1728.

Resolved, That Mr. Treasurer be directed to furnish and supply *Francis Wilks* of London, Esq; with the Sum of One Hundred Pounds Sterling in the best method that may be to enable him to serve the Interest of this Province in the Affair of the Humble Address the House have prepared and transmitted to him to be presented to the King's most Excellent Majesty, the said *Wilks* to be Accomptable for the Expence of said Money.

Sent up for Concurrence.

A Message from His Excellency the Governour by Mr. Secretary, That His Excellency desired the House would send him a Copy of the Memorial they have prepared to be presented to His Majesty.

The House entered into the Consideration of the above Message, and after the same was debated, The Question was put, *Whether any Copy of the House's Memorial shall be delivered to His Excellency?* It pass'd in the Negative.

A Message from the Board by *Samuel Thaxter* and *Symonds Epes*, Esqrs. viz. In Council December 20th. 1728. Ordered, That a Message be sent down to the Honourable House of Representatives to acquaint them that the Board have Unanimously Non-concur'd the Vote of the House for allowing One Hundred Pounds Sterling to *Francis Wilks*, Esq; &c. for that the Address of the House to His Majesty (to be presented by him) not having been communicated to this Board, they cannot judge whether it be for the Interest of the Province or no, and also for that it appears, by the Vote of the House of the sixth Instant, that Mr. *Wilks* is to observe such
 *Directions and Instructions as he shall receive from time to time from the House only.*

Read.

Whereas Jonathan Belcher Esq; is intended on a Voyage shortly to Great Britain, Voted, That he be desired and impowred upon his Arrival there to be aiding and assisting *Francis Wilks*, Esq; and that he use his utmost Endeavours that His Majesty's Determination on the Memorial the House have prepared to be transmitted to His Majesty may be in Favour of the House.



At a Great and General Court or Assembly held at Salem,
April 2. 1729. by Prorogation.

His Excellency's SPEECH to both Houses at the
Opening the present Session, is as follows, viz.

Gentlemen of the Council and House of Representatives,

THE long Recess you have had has given you time to think calmly on the Proceedings of the last Session, and to know the Mind of the Country upon them. I now expect that the Result of so mature Deliberations will be a Compli-
ance with His Majesty's twenty-third Instruction for fixing a Salary, which is a thing as I am informed, now accomplished in every Colony in His Majesty's Dominions, which has a Governour appointed by the Crown, except New-England.

I believe it will be proper for you without delay to take some Method to restrain private Persons from selling strong Drink to the Indians on the Western Frontiers, which, unless prevented may probably be attended with dangerous Consequences.

Gentlemen of the House of Representatives,

I can acquaint you that the Trading-House on Saco-River is finished, and that Care is taken of it 'till Provision be made for the Support of a Garrison to be sent thither, a Truck-master appointed to reside there, and Supply sent for the Trade, all which I hope you will take into Consideration.

IT deserves your Attention to observe the ruinous Condition of the Fortifications in the Sea Ports of this Province, and particularly in this Ancient Town, and to provide for their being put into good repair.

I need say nothing further to perswade you to finish what I proposed to you at our first Meeting. I have said enough upon that Subject since I came to this Place, to which no Answer has been given, and I shall only add at present, that all Proposals to me to deviate from my Royal Master's Commands will be vain and fruitless, and that as I kept you together in the Fall that you might avoid His Majesty's Displeasure, 'till you put it out of my Power to excuse you, by sending home a Declaration that must have been highly offensive to Him, so now I give you an Opportunity, which this House of Representatives will never have again, of retracting and retrieving so unhappy Measures, and of shewing that your Professions of Duty and Loyalty to His Majesty are more than Words.

W. BURNET.

April 2. 1729.

Read

His

April 4. 1729.

His Excellency's SPEECH Read again, and the House entred into the Consideration thereof, and after some debate being had thereon the Question was put, *Whether the House will come into any further Consideration of settling a Salary on the Governour at this present Session?* It pass'd in the Negative.

10th. Resolved, That Mr. Treasurer be directed to furnish and supply *Francis Wilks* and *Jonathan Belcher*, Esqrs. with the Sum of *Three Hundred Pounds* Sterling, in the best method that may be, to enable them to serve the Interest of this Province in the Affair of the Humble Address of the House, which has been presented to the King's most Excellent Majesty, the said Gentlemen to be accomptable for the Expence of said Money.

Sent up for Concurrence, which accompanied the Memorial of the House.

12th. *Symonds Epes*, *John Chandler*, and *Theophilus Burrell*, Esqrs; brought down the following Message, viz. In Council, April 11th. 1729. Ordered, That a Message be sent down to the Honourable House of Representatives to acquaint them, that the House have Non-Concurr'd a Resolve of the House pass'd the tenth Currant, for the supplying *Francis Wilks* and *Jonathan Belcher* Esqrs; with the Sum of *l. 300* Sterling to enable them to serve the Interest of this Province in the Affair of the humble Address of the House &c. And as they apprehend for very good Reasons.

IT is well known that Mr. *Wilks* was chosen Agent for the Honourable House of Representatives by a Vote of the House only, and accordingly was to observe such Instructions and Orders as he should receive from them, And this was one of the Reasons given by the Council for Non-Concurring a Vote for allowing *l. 100* Sterling to *Francis Wilks* Esq; pass'd the last Session, viz. Decemb. the 20th. And it may be of ill Consequence (as the Council judge) for them to join in supporting any other Agency that affects this Province, than such as they are consulted with and consenting to even from the beginning. Besides which, the Board look upon it a very extraordinary Practice in the Honourable House to send up a Vote for supplying Messieurs *Wilks* and *Belcher* to serve the Interest of this Province in the Affair of an humble Address &c. for Concurrence, when they never allowed the Board to have a sight of the said Address 'till several Months after the same was transmitted to Great Britain and actually presented to His Majesty in Council.

AS to the Address or Memorial it self, The Board could easily point (were it not too late) several Passages which they apprehend liable to just Exceptions; But that which they would take particular notice of, is, what the House is pleased

pleased to say, That they had the Concurrence of the Council in their Conclusion, not to settle or fix a Salary on the Governour. The Records of the Court (by which the Votes and Proceedings as well of the Board as of the House will best appear,) if examined, will shew how partially (not to say unfairly) the House have represented the Council in that Affair to His Majesty.

Read.

16th. *This House being informed, that a Subscription has been made, and a Sum of Money raised for the carrying on their humble Memorial to His most Excellent Majesty, Voted, That the Thanks of the House be returned to Messieurs William Clark, John Alford, and William Foy, and other Gentlemen that have Subscribed for raising the said Money for carrying on the said Memorial, with Assurance, that the House will use their utmost Endeavour that the said Sum be repaid in all convenient Time.*

17th. Mr. Lewis from the Committee appointed last Night to take under Consideration the Message of the Honourable Board of the 12th. Currant, made report, which was Read and Accepted, and thereupon the House came into the following Message, viz.

THE House of Representatives cannot but express their great Concern on occasion of the Message of Honourable Board of the 12th. Instant, informing us of their Non concurring the Resolve for supplying Messieurs Belcher and Wilks with the Sum of Three Hundred Pounds Sterling, to enable them to serve the Interest of this Province in the Affair of the Humble Address of the House, &c. and especially upon such Reasons as the Honourable Board assign, which the House humbly apprehend to be very insufficient and groundless.

THE first Reason offered by the Honourable Board is, *That Mr. Wilks was chosen by the House only, and to observe such Instructions and Orders as he should receive from them.* This the House readily acknowledge to be the Case now; and so it was Anno 1723. when there were Agents chosen by the House only, from whom they also received their Instructions and Orders, and yet the Honourable Board Concurred with the House to put Money into the Speaker's Hands, to be employed as the House of Representatives should direct: and this was Consented to by the then Commander in Chief in this Province.

AS to what the Honourable Board further say, *that the humble Address, &c. was not seen by them 'till some Months after it was transmitted, &c. we would say,*

say, that the Instructions and particular Business of the House's Agents Anno 1723. were not laid before the Honourable Board, and yet they Concurred to supply the House with Money out of the Treasury: Why the Honourable Board should not treat this House with the same Respect and Confidence as a former House met with in exactly the like Case, we cannot understand: And as this Non-Concurrence of the Honourable Board is against Precedent and former Practice of their own in the same Case, so it is likewise, as the House humbly apprehend, against the highest Reason! May not the House of Representatives who act for, and may be said to be the People, and pay the Money, have the disposition of some part of it? And must not our Condition appear very deplorable, if the Honourable Board (when the People are under insupportable hardships and Oppression) endeavour to hinder us from Money to apply to our most Gracious Sovereign for Relief?

IT is astonishing to the House that the Honourable Board should call the Representation made in the humble Address &c. *partial, not to say unfair*, inasmuch as the Council Concurred with the House in declining to settle a Salary on the Governour, when the Honourable Board in a Message to His Excellency from them as well as the House say, *That the two great Ends proposed in the Power granted this Court will be best answered without establishing a fixed Salary.* And afterwards on the 15th. of August repeat what they had said before in a Draft made by the Honourable Board of a Message to His Excellency, and sent down to the House for their Concurrence, and in the close of that Message the Honourable Board say, *they hoped when His Excellency had viewed the Matter in that Light in which they themselves had set it, the Governour's difficulties would be removed, and that he would accept the Grant then made him.* Nor have the Honourable Board to this day, that we know of, Voted to settle a Salary according to His Majesty's Instruction, which was the only thing spoken of in that Paragraph of the humble Address referred to by the Honourable Board.

IT cannot but be pleasing to the House, that when the Honourable Board seem so desirous to make Exceptions, there should be nothing they can particularly take notice of, but that in which the House is so plainly just and impartial.

Sent up.

18th. William Tailer, John Turner and John Chandler Esqrs. with Mr. Secretary, brought down the following Message from the Honourable Board, viz. In Council April 17th. 1729.

A Paper Dated in the House of Representatives, April 10th. 1729. and signed William Dudley Speaker, which was brought to the Council Chamber

Chamber by several Members of the Honourable House, (though without any Direction or Vote enter'd upon it) having been taken into Consideration, The Board are much concern'd to find, notwithstanding the said Paper begins with expressing the great Importance it would be to the Publick, that there should be a Harmony between the Board and the House, and that the House has been all along very desirous to Cultivate a good Understanding with us, That the direct Tendency of said Paper should be the Reverse of what is therein professed; The indecent Expressions, and injurious Insinuations therein contain'd being more likely to destroy than cultivate such an Harmony. If such reproachful Terms as these, *That wherein the Board was contrary to the House, they had left themselves, and it was hoped they might return to their former thoughts; or if such Treatment as is now given us, should happen to be the means of procuring a good Harmony, it will probably be the only Instance of that nature.*

As to the first thing charged on the Board, that *they are contrary to their own most express and declared Opinion and Determination in this and former Years.* The matter now under Debate relating only to the Removal of the Court from Boston, and so only respecting former Years the Board reply, That if the Council did in the Year 1721, come into or Concur with a Resolve of the House for the Courts sitting at Cambridge, yet it cannot on that account without the greatest Injustice be charged on the present Council, that we are contrary to our own most express and declared Opinion; but if we, upon further light received, than the Council might have at that time, and upon weighing the Occurrences that have since intervened, see just cause to be of a different Opinion from them, we are doubtless at liberty to exercise our own Understandings and to act according to them, and yet no ways inconsistent with our selves, nor to be censured or reflected upon on that account.

In the next place, the House proceed to express their surprize, that the Board in their Message of the 13th. of December, should declare the Terms of their former Message to have been so very Gentle and Easy, that no Offence could be justly taken thereat, and then they ask, *Whether it is so very Gentle and Easy to tax them with doing what might not only be a damage to particular Persons, but be so resented by His Majesty as to endanger our Happy Constitution? Whether His Majesty's Resentment and Displeasure is so small and easy a matter? or to be taxed with destroying or endangering our Constitution so soft an Expression?* 'Tis truly altogether unaccountable how the House could so far wrest the Council's Message of the 28th. of November, from it's genuine sense, as to extract such Questions from it: For the Board in the first Paragraph of said Message, *After having declared it to be the Duty of this Court forthwith to proceed to the Consideration and Dispatch of the publick Business lying before them,*
 O Then

Then add by way of Caution, *Lest the refusing so to do may not only prove to the great damage of all Persons concern'd, but also be resented by His Majesty, and have a Tendency to endanger our happy Constitution.* Now it will be evident to any observing and impartial Person, that in all this, there is not one word of *destroying our Constitution*, and that the House is not taxed with the least thing whatsoever, but only the Board declare it to be the Duty of this Court to proceed to Business lest the refusing so to do should be attended with such Consequences. It is therefore very strange that the above Message truly calculated and designed for the good of the Province, should be in such a manner perverted, whereby ignorant and unwary People may be misled, and matters are represented to the World in a View so very different from what they ought to be.

The House then express themselves to be very sorry that Truth necessitates them to say that there is a manifest misrepresentation of what was done here in the Year 1721. and since in Great Britain concerning the Removal of General Courts and the proceedings and doings thereupon. As to the first, we are charged with representing the Votes that then passed in such a manner, that any impartial Reader would suppose the matter was then concluded, and did Terminate against the present Opinion of the House, and yet nothing is more certain than that in that same Year after a full Consideration of that matter by the same Court, the Governour and both the other parts of the Legislature, came into an Act or Resolve, that notwithstanding Boston was the place mentioned in the Writ prescribed by Law for calling General Courts, yet that for that time by reason of the Small Pox in all parts of Boston, it should and might be held in Cambridge, and that no advantage should be taken thereby as to the Removal of the Court. Now it is as certain that the matter did not remain determined in favour of the present Opinion of the House by all parts of the Legislature, since Governour Shute was so far from giving up the Point, that he afterwards made it the Fourth Article of his Charge against the House, That though the Royal Charter has vested in the Governour only, the Power of Proroguing the General Assembly, yet the House sent up a Vote to the Council Adjourning the General Assembly to the Town of Cambridge, to which the Governour refused his Assent, and yet after this they Adjourned themselves for several days, without his Consent and Privy, and did not meet on the day to which the Governour had Adjourn'd the General Assembly. From whence it appears the matter was not terminated in favour of the House, and therefore not manifestly misrepresented by the Board, as is suggested. As to the other Branch of what was Transacted in Great Britain, we should be glad the House were as free from misrepresenting us, as we are free from misrepresenting that; For although the House have charg'd us with suggesting, that they were blamed as Invading and Incroaching upon the King's Prerogative on this Head, in unlawfully assuming to themselves Powers that did not belong to them, Whereas upon this Article, Mr. Attorney and Solicitor General, say, it had not been proved that the House had assumed to themselves such Power

Power, and that what they did was but the Foundation for an Act of the whole, and that it would be too hard to call it a Contempt or wilful Encroachment upon his Majesty's Authority, so that the words in the close of the Report accepted by His Majesty, that the House had assumed Powers not belonging to them, could not possibly be intended for this Case. Now if the other part of Mr. Attorney and Solicitor General's Report on this Article (which the House have unfairly and industriously concealed) be likewise considered, viz. That the sole Power of Dissolving, Proroguing or Adjourning the General Court or Assembly, EITHER AS TO TIME OR PLACE, is in the Governour for the Time being, and that the House have no pretence to such Power, That Mr. Shute acted rightly for the Preservation of His Majesty's Prerogative, and the Authority of His Governour in refusing his Assent to a Resolve (viz. for removing the Court to Cambridge) and the House was in the wrong in adhering to it, but as they might be led into this by a mistake in Point of Law, they thought it would be too hard to call this a Contempt or wilful Encroachment on His Majesty's Authority. We say therefore that if this part of the Report be considered, it will manifestly appear that all that can be inferred from the whole Report is, that in as much as the House might possibly be led into what they acted by a mistake in Point of Law, therefore it would be too hard to call it a Contempt or wilful Encroachment, but nevertheless they were in the wrong in adhering as they did to the Resolve, and therefore the Words in the close of the Report accepted by His Majesty, That the House had unlawfully assumed to themselves Powers that did not belong to them, may well be interpreted to extend to this Article also, and consequently the Board ought not to be charged with apparently misrepresenting that matter.

As to the Objection that is made against the Board's Arguing that the word *Town-House in Boston* being in the form of the Precept does not infer, that the General Court must sit only at *Boston*, or that it is thereby put out of the Governour's Power to Adjourn or Prorogue it to some other place, We judge this Objection not only to have been Answered in our Message of the 13th. of December last, but that our sense and understanding of those words is supported by the Concurrent Opinion of Mr. Attorney and Solicitor General to the same purpose, who Report to this Effect, That no clause in the Act of the Tenth of King William the Third, laid any such Restraint upon the Governour, viz. From Adjourning the Assembly to Cambridge, But in the Form of a Writ, the word *Boston* is mentioned, which they apprehended must be understood by way of Instance or Example only, and not to limit the Power the Crown has of summoning or holding General Courts or Assemblies at any Place, much less of Adjourning them from one place to another after they were summoned.

The Honourable House go on to declare, that it appears something strange the Board should argue from what Governour Dudley did in removing the Court

In 1702, as though it was applicable to the present removal, it being done in compassion to the Country, and for very different reasons. Now if the present Dispute be, not for what reasons the Court is removed from Boston, but whether the Governour has Power and Authority so to remove it, then if Governour Dudley did by his own Authority remove the Court in 1702, the Board might well argue from thence, that it was then taken for granted, that the Governour had a Right so to remove them, otherwise the Council or the House of Representatives or both of them would have then endeavoured that the Removal might have been by an Act of the whole Court.

What has been last mentioned, may likewise serve as an Answer to what next follows in the Paper under present Consideration, wherein the House say, *That if there was a Power upon just and weighty reasons, to remove the General Court, intrusted with the Governour, yet when it is done upon a mistaken suspicion, they may justly except against it*: The Question being not about the Reasons, but the Power of removing.

It is then thought wonderful, by the Honourable House, That the Board should argue their acknowledgement of the Validity of the Courts removal, from what they have acted, and then ask, Whether sending up a Vote to the Board for Concurrence, to make Savings or Exceptions against the Removal, or Addressing His Majesty under their great difficulties, could be understood or interpreted to signify their judging it legal and good. To which we reply, that whatever pretence of necessity there might be, for Voting the Savings, and making the Address, although the House should have been then in doubt of the Validity or Legality of the removal, yet there having been other matters in the last Session Transacted, and in this Session, one or more Acts passed in the House, and other necessary Business of the Province proceeded on, We judge it may be taken for granted, that if the House had concluded their sitting here to be illegal, and what they should act here, to be of no Validity, that these things had not been done.

The next thing set forth in the aforesaid Paper is, *That the House cannot but shew their concern at the harsh Expressions of the Board, in charging the House with giving Undutiful Treatment to His Excellency*: For which we apprehend we have not given the least foundation. Can the expressing our Trouble at the unbecoming and undutiful Treatment given to his Excellency, be interpreted as using harsh Expressions? Or could our concern therefor have been discovered in milder terms? We heartily wish we had then had no occasion, and that we had not now a renewed occasion for such concern.

As to the Clerical mistake which happened to be in a Message of the Board of the 28th. of November last, the Circumstances whereof were thus, That the said Answer was first drawn as it appeared in the printed Copy, but was amended in the manner it went down, and the Amendment made upon a loose Paper, which the Clerk of the Council having casually dropt, in transmitting the said Answer for the Press, entirely forgot that that Amendment

amendment was made, of which mistake the Board had not the least Knowledge. Now when this matter had been already cleared up in our Message of the 13th. of December, it seems very strange it should be again brought upon the stage, and more especially with an unfair and groundless insinuation of secret Views and Motives in the Council, and it can have no other Face than a design to asperse the Council, and to endeavour to bring them into disrepute with the People of this Province; Whereas it is very evident that the Board have on all Occasions acted with great Integrity, and with a sincere view to the Weal of this People, and to the prolonging of all their rightful and valuable Privileges.

Upon the whole, The Board might justly have declined an Answer to a Paper, neither directed to them, nor coming up as a Vote of the House, but it was thought necessary to vindicate our selves from the injurious Imputations contain'd in said Paper, and to make the World sensible how very ill we are treated without any just Reason from time to time.

Read to the House by Mr. Secretary

In Council, April 18th. 1729.

THE Board taking into Consideration the Message of the Honourable House of Yesterday, do find that Exception is therein taken at the Reasons offered by the Board the 12th. Instant, for their Non-concurring a Resolve of the House for supplying Messieurs Belcher and Wilks with Three Hundred Pounds Sterling, as apprehending those Reasons to be very insufficient and groundless.

To the first Reason offered by the Board, viz. *that Mr. Wilks was chosen by the House only, and to observe such Orders and Instructions as he shall receive from them*, The House make answer, *That in the Year 1723. there were Agents chosen by the House only, from whom they also received their Instructions and Orders, and yet the Board Concurred with the House to put Money into the Speaker's Hands, to be employed as the House should direct.* To this the Board reply, *That November 23d. 1723. there was indeed a Resolve of the House for furnishing Mr. Speaker Clark with Three Hundred Pounds Sterling, to be employed as the House should direct, sent up to the Board for Concurrence, where it labour'd under Difficulties till the 11th of December, and then after several Messages was but in part Concurr'd, so far as to allow One Hundred of the Three Hundred Pounds to be thus employed, and the Vote of the House expressed that to be for the necessary Defence and prolonging our Charter-Privileges, which (as the House then said) seemed to be severely threatned, whereas this is proposed for forwarding an Address which we are apprehensive may tend rather to disserve, than serve the Province.*

To the second Reason offer'd by the Board, viz. *That the humble Address was not seen by them, till some Months after it was transmitted*, The House make answer, *That the Instructions and particular Business of the House's Agents Anno*

1723. were not laid before the Board, and yet they Concurr'd to supply the House with Money, and they cannot understand why this House should not be treated with the same Respect and Confidence. To this the Board reply, That if the Instructions and particular Business of the House's Agents were not laid before the Board, (which averment is a plain Evasion of the Point now in dispute) yet Governour Shute's Memorial and the House's Answer thereto, and the House's Address to His Majesty, were sent up to the Board for their perusal November 13th. 1723. which was Ten Days before the Resolve passed in the House for furnishing the Money mentioned; Whereas the late Address had been transmitted to Great Britain several Months before the Board could obtain a sight of it, even altho' the Governour being in Council sent a Message to desire it: Now if the Method of proceeding in the Honourable House at this time has been so very different from what it then was, it ought not to be thought strange, if the Vote for furnishing Money, meet with a different Treatment from the Board.

In the next place the Board's Non-concurrence is said to be *as against Precedent and former practice in the same Case, so likewise against the highest Reason*; and then 'tis ask'd, *May not the House who act for and may be said to be the People, and pay the Money, have the disposition of some part of it? and must not our Condition be very deplorable, if the Board endeavour to hinder us from Money to apply to His Majesty for Relief, when under insupportable Hardships and Oppression?* To this the Board reply, That the Case is upon various Accounts not the same, as is above set forth, and therefore the Concurrence Anno 1723, strictly speaking, is no Precedent in the like Case: Besides which, altho' the Board will be always ready to give their Assistance for furnishing Money, when they judge it will have a tendency to promote the benefit of the Province, yet if upon this Occasion, the tenour of the Address lately communicated to us be such, that we apprehend it likely rather to hurt than serve us, we judge it a Point of Prudence and Caution, not to do any thing which may occasion the Board to be look'd upon at home, either as Parties to it, or Encouragers of it.

In the last place the Honourable House proceed to declare how *astonishing it is that the Board shall call the Representation made in the humble Address, partial, not to say, unfair, inasmuch as the Council Concurr'd with the House in declining to settle a Salary on the Governour, and when the Board have said in a joint Message, the two great Ends proposed in the Power granted this Court will be best answered without establishing a fixed Salary, And after the Board in another Message have said, We hoped when His Excellency had viewed the Matter in the Light in which we had set it, His Difficulties would be removed, and he would accept of the Grant made him.* To this likewise the Board reply, that as the settling a Salary on the Governour has been generally understood, and by us explained, to intend the settling or fixing a Salary on the Governour for the time being,

or

or on the present and succeeding Governours, without any Limitation of Time, we freely allow that we did decline, and do still decline the doing of it; We likewise grant that we did Concur a Vote wherein it was expressed, the Two great Ends in the Power granted the Court would be best answered without establishing a fixed Salary in the sense abovementioned: And if His Excellency could have viewed the Message of *August* last in such a Light as to have accepted the Grant made him by the Court, we should have been well satisfied therewith. Notwithstanding all which Concessions, The Board having since this declared their readiness to come into a Salary to His Excellency our present Governour for a limited Time, having good reason to conclude that His Excellency judged himself at liberty by his Instructions to accept thereof: And that thereby all Complaints home of our Non-compliance with His Majesty's 23^d. Instruction to His Excellency would be prevented; and a heavy Charge which has since arisen, and is likewise still to arise to the Province, would be saved.

We say therefore, that the Board having so far complied with His Majesty's Instruction for settling a Salary, the Honourable House in their Address ought not to have represented the Council as Concurring with them, in concluding not to settle a Salary, but ought in Justice either to have left the Board unmentioned, or if they had thought it necessary to mention them, to have stated the Matter in its true Light; The not doing whereof, but acting contrary thereto, might well justify the Board in saying, That the House has partially (not to say unfairly) represented the Council in that Affair to His Majesty.

These things being duly considered, may reasonably abate the Pleasure the Honourable House have had in taking notice that the Exceptions made by the Council were in those things only wherein the House has been so plainly just and impartial.

Read to the House by *John Chandler, Esq;*

And then, A Message from His Excellency the Governour Read to the House by Mr. Secretary in these Words, *viz.*

Gentlemen of the House of Representatives,

NOW, that you are about to return to your several Homes in all the parts of the Province, I think it incumbent on me to inform you, and the whole Country by your Means, That the Lords Commissioners for Trade and Plantations have done me the Honour of a Letter of the *Eleventh of February* last, in which are these Words, We very much approve of your Prudence and Integrity in declining to accept of Money from the Assembly upon any terms different from those enjoyned you by

by your Instructions. As this Declaration from their Lordships gives me the highest Satisfaction, so I think it may convince you, with how little Reason my Conduct has been complained of upon that Head.

You may possibly be desirous to know, why I have not yet Signed an Order upon the Treasury for your Pay; but if you consider, that near a third part of the Time of the sitting of the General Assembly since my Arrival has been rendred useles, by your refusing to do the Business of the Province, it may justly appear doubtful, whether the Towns ought to bear an Expence, the sole End of which was defeated for so long a time by that Refusal; Though I confess this does not relate to those worthy Members who were all along of another Opinion.

And since you would not come into any further Consideration of settling a Salary on the Governour at this present Session; I think you cannot wonder that I should defer the Consideration of your Allowances in the same manner.

What has been hitherto done may be charged on this House of Representatives only; but the Country will now have an Opportunity by a new Choice, of shewing their Duty and Loyalty to His Majesty, as well as their Faithfulness to their own Constitution.

April 18. 1729.

W. BURNET.

Upon finishing the Reading of which Message, Mr. Secretary declared, That His Excellency Ordered, That this Great and General Court or Assembly be Dissolved, and that the said Great and General Court or Assembly was Dissolved accordingly, and that the Members were discharged from any further Attendance.

